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**THE RELATIONSHIP BETWEEN RELIGION AND RIGHTS  
IN THE WRITINGS OF JOHN LOCKE**

by

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## PREFACE

There are many people whose encouragement in the completion of this thesis I need to record. I am greatly indebted to those who gave their assistance at various stages of research. Special thanks goes to my supervisor, Peter Collins, for his sound advice, helpful comments and criticisms. His confidence in my ability and his support made the completion of this work possible.

Throughout the period of research and writing which took longer than anticipated, I have had the constant support of my wife, Ann, who has had to adopt an unsociable lifestyle and exercise patience with an all too often pre-occupied husband. I am therefore immensely indebted to her and other members of my family for their support. I am also grateful to Ann for reading and checking the draft.

With the upsurge in rights has come a revival in the political thought of Locke. Recently a number of excellent texts have been written on John Locke's doctrine, but despite extensive reading I have found little that directly compares Locke's religious convictions with his views on rights.

There are always difficulties in writing a text dealing with religion and politics. However, John Locke was able to show that rights have their authority in God, a belief I share despite the more than 280 years that have passed since Locke penned his thoughts. The more I studied the writings of this great man, the more I identified with his convictions. I have found the writing of this thesis a rewarding exercise.

Finally, I acknowledge the assistance from Joy Woodward who greatly accelerated the process of producing a presentable manuscript.



## ABSTRACT

Since 1945 the emphasis on rights has been an ever-increasing phenomenon while the influence of the church plays an ever-diminishing role in today's society. The irony of the situation is that rights have their source in religion. It is Locke who is credited with having put the question of rights into the mainstream of political thinking and it was Locke's faith in God that enabled him to put forward the political doctrine that will be considered in this thesis.

The theme of this study is the reconciliation of traditional christianity with humanist political theory's emphasis on rights in Locke's Political Philosophy which I have termed Theopolity. It traces Locke's thoughts, starting with his view on the creation of man which ultimately gives rise to natural and human rights. These rights, when violated by Government, legitimately result in revolution.

Locke has three areas of thought, which when combined, give rise to his political doctrine. These areas are Epistemology, Theology, and Politics. He believed that after creation man was in the State of Nature. This State of Nature was controlled by the Law of Nature which gave rise to, and preserved, Natural Rights. To ensure the protection of these Rights the individual entered into a Social Contract and so created a political society. Once society had been established, a Government was formed to ensure the protection of the individual by means of civil laws. These Laws extended Natural Rights and these extended rights are known as Human Rights.

This study concludes that John Locke's political thought is the most cogent political doctrine that can be adopted by rational individuals who share a strong sense of justice and morality in a Democratic Christian Society. It shows that Locke's pursuit of truth led to his basic, common-sense politics which was the embodiment of the true state of man in a society where the individual's God-given rights are respected.

NOTES ON ABBREVIATIONS

TWO TREATISE OF GOVERNMENT

Edited by Professor W.S. Carpenter, J.M. Dent and Sons Ltd., London, 1982.

First Treatise = FT

Second Treatise = ST

ESSAY CONCERNING HUMAN UNDERSTANDING

Edited by A.S. Pringle-Pattison, Clarendon Press, Oxford, 1932. = ECHU

ESSAYS ON THE LAW OF NATURE

Edited by W. von Leyden, Clarendon Press, Oxford, 1954.

= ELN

A LETTER ON TOLERATION

Translated by William Popple, William Benton, London, 1959.

= LT

THE REASONABLENESS OF CHRISTIANITY

Edited by I.T. Ramsey, Adam and Charles Black, London, 1958.

= RC

SOME THOUGHTS CONCERNING EDUCATION

Edited by Rev. R.H. Quick, C.J. Clay and Sons, Cambridge, 1892.

= STCES

THE CORRESPONDENCE OF JOHN LOCKE Vol 7

Edited by E.S. de Beer, Clarendon Press, Oxford, 1982.

= COR.VOL.7.

THE CORRESPONDENCE OF JOHN LOCKE AND EDWARD CLARKE

Edited by B. Rand, Oxford University Press, London, 1927

= CEC

## 1. JOHN LOCKE AND THEOPOLITY

### 1.1 THE CONCEPT OF THEOPOLITY

The purpose of this thesis is to firstly reconcile traditional Christianity with humanistic political theory's emphasis on rights in the writings of John Locke and secondly explore Locke's normative paradigm of what I call "Theopolity" in an attempt to show that his conceptual model is the most cogent political doctrine that can be adopted by rational people who share a strong commitment to justice, democracy and a monotheistic (especially Anglican) religious faith.

To describe Locke's Political Theology I have constructed the word Theopolity. For Locke, God is the centre of the universe and therefore central to all he has created. Locke had a fundamental belief in God as portrayed in the Christian faith and so based his reasoning on the Word of God. This pivotal position of God in Locke's politics is emphasised in the first part of the word "Theopolity". The word polity is defined in the Oxford English Dictionary vol. 10 as "an organised society or community of men (and women)". This emphasises a key aspect of Locke's politics namely the creation of society by means of a social contract which mankind entered into so that their rights which they have in their natural state may be preserved. Locke's view is that the creation of mankind gave rise to natural rights and it is these Natural Rights and Human Rights that form the cornerstone of Locke's Theopolity. Theopolity must not be confused with Theocracy which grants virtually no rights to citizens.

In Old Testament times there had always been an interaction between politics and theology. The term Political Theology itself dates back to the time of the Stoics when it was taken to mean those religious practices which served the needs of the state. This Stoic view had been criticized by St. Augustine who claimed that the services of the Church went beyond the state. While in days gone by political theology tended to support the status quo, in today's world it is usually critical of the status quo to

the point of supporting revolution. Locke writes on political theories with their foundation clearly rooted in his concept of theology. Hence he looks at politics from a theological perspective.

When Theopolity is compared with a theocracy, the major differences is in the approach to rights. The word theocracy was coined by the Jewish historian Josephus. It identifies the form of Government where civil and religious obligations are created by Divine Laws. Benedict de Spinoza, the seventeenth century Dutch Philosopher, saw a theocracy as having all its civil obligations as coming from God. The ideology of theocracy was not only practiced in the ancient world but was the type of Government adopted by the Puritan Settlers in America in Locke's time. We still find Theocracies in the states of the Vatican and Iran. The concept of theocracy is not limited to Christian Countries as witnessed by the Islamic State of Iran or the Jewish state of Israel.

A theocracy is seen to have sole authority in God with a spiritual aristocracy acting as his representatives here on earth. In practice, however, all power resides in these ecclesiastical authorities. In such a State, the rights of the individual are not recognised as it is claimed that the individual has no rights against God or other people. While rights may be God-given, the all-powerful representatives effectively block any claim that the individual may have had. Locke describes a theocracy as follows :

For the commonwealth of the Jews, different in that from all others, was an absolute theocracy; nor was there, or could there be, any difference between that commonwealth and the Church. The laws established there concerning the worship of One Invisible Deity were the civil laws of that people and a part of their political government in which God himself was the legislative. (IT 1959:15)

In a Theocracy, sovereignty lies with the ecclesiastical authorities and there is no way in which the individual is able to claim freedom. It is this very concept that Locke's Theopolity rejects. It is the very rights that a theocracy suppresses, which in a Theopolity, lead to the system of Government proposed by Locke.

Another major difference is in the approach to authority. A theocracy is dependent on an authoritarian type rule while Locke's writings show a dislike of authority, and in a Theopolity power lies with the people. As early as the 1400's Nicolas of Cusa, one of the great renaissance churchmen, had realised that it was the community, not any individual person which had the divine right to rule. His main argument was that the Pope was only a member of the church like any other member. The Church should be governed by a General Council which would be indirectly elected by the masses. The Pope would be the equivalent of a constitutional monarch. Nicholas wanted this form of rule to permeate all society. Needless to say, there were not many takers, at that time, for this line of thought. Thus as we have seen the Pope is in reality an autocratic ruler claiming to be God's representative on earth. As indicated, the Vatican is therefore a theocracy. Although it is largely unacceptable now, it is quite understandable that Locke excludes Roman Catholics from any political office as they owe their allegiance to a foreign power, namely the Vatican.

## 1.2 INTRODUCTION TO THEOPOLITY

"It is one of the paradoxes of history that the people of the past speak more clearly to us at the present day if we understand them in the context of their own time" (Jeffreys 1967:1).

This thesis will seek to show that Locke's pursuit of truth led to the articulation, for the first time, of the claim that the true state of mankind in a society where the individual's God-given rights are respected, and that confidence in Locke's basic, common-sense politics is justified. The key to this thesis, however, will be Locke's Christian faith and his reliance on the Bible as the ultimate source for his Political Theology. In my opinion, Lockean thinking imbues the core of most modern constitutions in Western Democracies.

Locke was influenced by the milieu of his age. It is therefore important to put Locke's Theopolity into perspective by outlining his life and times

and the resulting influence on his theories. This thesis will examine some of the key events in his life, the political and religious background to these events and the influence they had on his writings.

Locke appears to have three clear areas of thought, which when combined, give rise to Theopolity. These are Epistemology, Theology, and Politics. Locke based the first of these three sources on Descartes' intelligent way of dealing with philosophical questions. Locke learned that these questions could be dealt with by appealing to mankind's intelligence. It was widely held in his day that God imprinted on mankind certain indelible truths or innate ideas. Natural law was dependent on the idea of innate knowledge as it enabled a person to recognise these laws which were laid down by God.

Locke rejected this accepted view and claimed that the starting point of knowledge was the mind as a blank piece of paper receiving impressions from outside. He believed that reason and experience are the creators of knowledge. These form the two pillars on which epistemology is based. This thesis, however, concentrates only on those aspects of epistemology which are relevant to Theopolity. For Locke, the most obvious truth that reason uncovers is the existence of God. Locke himself considered the study of Christianity to be the most important branch of knowledge. He also believed that Christianity was basically reasonable and that scripture confirmed rather than contradicted reason. This leads to the second source.

Theology is arguably the most important source of Theopolity. It rests on the concept of God and the concept of Man. It is the interaction between God and mankind that results in theology. Besides establishing the basic tenets of Locke's beliefs which obviously had an impact on his writings in general, it is necessary to explore what Locke actually believed and how he has been interpreted. However, it is evident that Locke's Christianity revolves around the Creation of Mankind by God, the fall of mankind with the resultant bias toward sin and God's plan of salvation of mankind. Also relevant to Theopolity are Locke's views on Church and government relations.

The third source is Politics which played a large role in Locke's life putting him in the corridors of power only to cause him to flee into exile and then to return to a favoured position in government. His politics was built on the pillars of morality and individualism. His views were Liberal in that he believed in the rights and the freedom of the individual. The State places constraints on the individual only where it is necessary to protect their rights and freedom. Morality is the recognition of the rights and basic values which are attributable to mankind. Locke believed that morality was a science which could be demonstrated.

Locke instituted a framework for his Theopolity which establishes rights, toleration and the purpose and limits of government. Within the natural order, which Locke termed the State of Nature, mankind is created equal although this thesis will show that this equality did not apply uniformly throughout mankind. The source of the individual's duty to acknowledge the equality and rights of others is found in the Law of Nature which in fact is the Will of God. The Law of Nature combined with the State of Nature in which God placed mankind, gives rise to Natural Rights which Locke gave as being Life, Liberty and Property.

The state of nature and its controlling Law of nature were sufficient for mankind to preserve the natural rights which it gives rise to. However, after the Fall, mankind was biased toward wrong. Individuals could no longer guarantee their own safety and protection of rights against others. To ensure protection the individual entered into a social contract thus creating a political society. Each individual must enter society of his own free will. In other words, the individual consents to be part of that society. Once society has been established, then a Government can be established in a separate action to that of the social contract.

To ensure the protection of the individual, the Government promulgates civil laws. These Laws, established by the government, expand and give a higher level of observance to the Natural Rights created by Natural Laws



in the State of Nature. These expanded rights are known as Human Rights. Natural rights and Government are therefore the sources of human rights.

This thesis follows the above line of argument to prove the accuracy and relevance of Locke's theory and is graphically represented by a conceptual model on the next page.

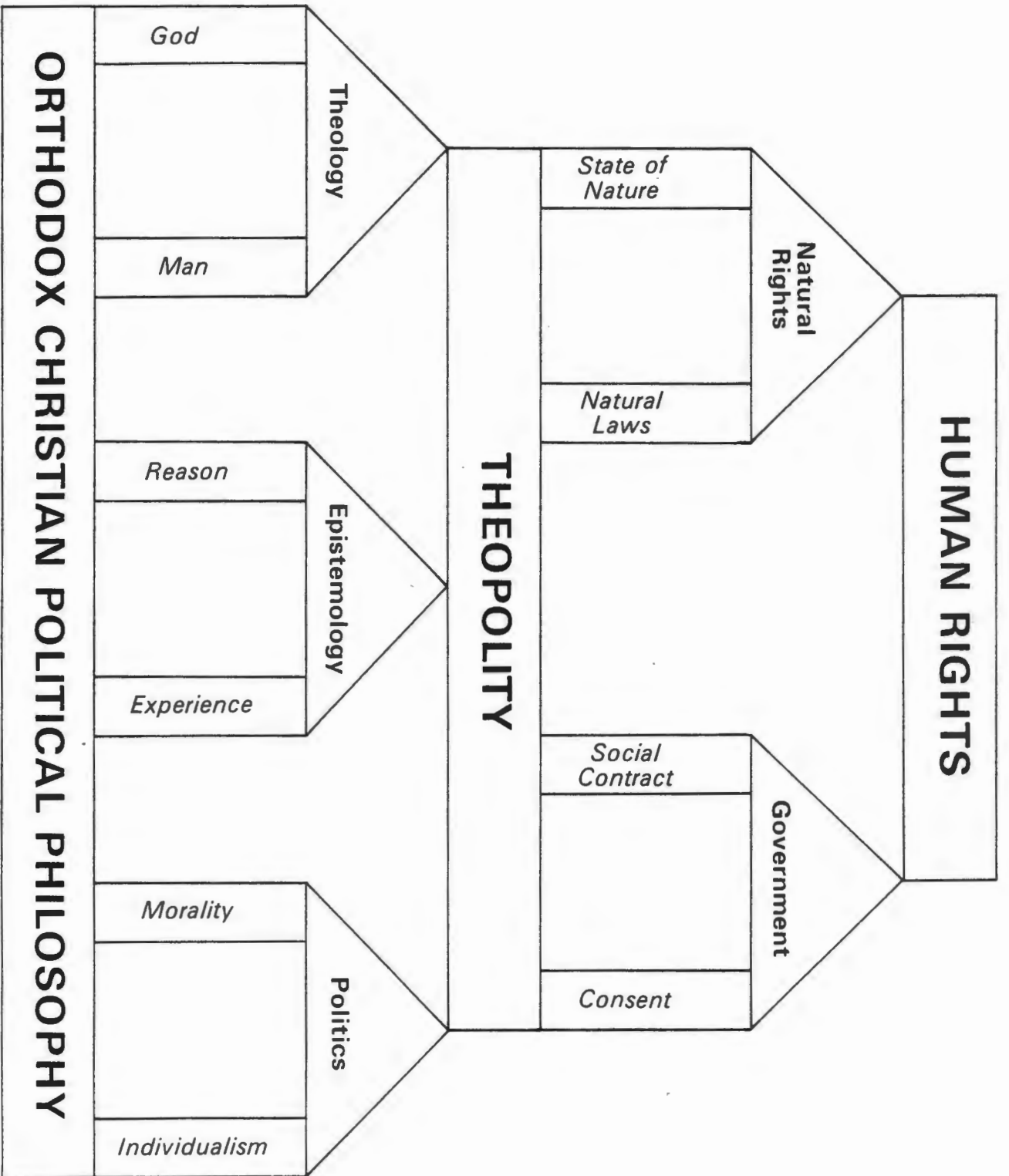
One standing charge against Locke is that he provided a basis for the indictment that liberalism is abstract, and narrowly rationalistic. Yet Locke's political teaching has a quality of rational simplicity and humanism. Locke's political doctrine is therefore more than just the ideology of Liberalism or Classical Liberalism. To claim his Political Theory as being only the ideology of liberalism ignores the critical role which Locke's Christian faith plays. Hence Locke's Political theory transcends Ideologies and Political Philosophies. I have therefore viewed his writings on politics as Political Theology.

When analysing Locke's writings it must be remembered that he was a writer who had an image of mankind as represented in Christian theology. This image portrays mankind as generally sinful and prone to being swayed by passion. Locke denied the doctrine of Original Sin which is the hereditary tendency to sin in favour of the concept of Original Innocence. His rejection of the concept of Original Sin is also found in his epistemology. God has given us no innate ideas of himself therefore man, at birth, has no concept of God or sin. Despite this somewhat narrow outlook and the fact that Locke was a moderate, pious and serious man, his writings reflect a free spirit of enquiry and a dislike of traditional authoritarianism.

The epitaph written by Locke himself was carved on a marble tombstone above his grave and reads :

Near this place lies John Locke. If you wonder what kind of man he was, the answer is that he was one contented with his modest lot. A scholar by training, he devoted his studies wholly to the pursuit of truth. Such you may learn from his writings, which will also tell you whatever there is to be said about him.





In my opinion this short self-penned epitaph is the key to understanding the thoughts of Locke, in that he attempted to discover truth. In attempting to discover truth he considered himself merely doing his duty :

The pursuit of truth is a duty we owe to God ... and a duty also we owe ourselves. (as quoted in Cranston 1957:279)

This truth that Locke endeavoured to discover was, he believed, an end in itself as he wrote to his friend and strong supporter, Samuel Bolde:

Believe it, my good friend, to love truth for truth's sake is the principal part of human perfection in this world and the seed plot of all other virtues (as quoted in Jeffreys 1967:54).

Locke also describes himself as a being contented with his lot. I therefore disagree with the following passages from John Dunn who gives the impression that Locke was disappointed in himself. Dunn writes "Locke addressed his intellectual life as a whole to two huge questions. How is it that human beings can know anything? And how should they try to live?" and "By the end of his life he was confident that he had largely answered the question of how men can know ... But he was far less confident of his ability ... to show men how they should try and live. Dunn therefore feels that "We should see Locke as a tragic thinker, who ... saw rather clearly some of the tragedy in our own lives" (Dunn 1985:v-vii). However, the most appropriate summary related to Locke as a person comes from the apparent one true love in his life, Lady Masham, who wrote "His death was like his life, truly pious, yet natural, easy and unaffected; nor can time, I think, ever produce a more eminent example of reason and religion than he was, living and dying" (as quoted in Jones 1980:154).

Locke took the two mainstreams of thoughts in the seventeenth century and brought them together in his writings. The first of these was the ad hoc experiments of Bacon. Bacon had preferred to interpret nature by careful attention rather than by metaphysical explanations. Locke followed in the footsteps of Sir Francis Bacon whose scientific ideas were introduced to him by Robert Boyle. Locke turned to nature and saw human destiny in terms of scientific progress. The second mainstream of thought was the

semi-sceptical rationalism of the French Philosopher, Rene Descartes (1596-1650), who rather than try to justify belief through the scholastic tradition, appealed to the mind by using logic and reason.

Locke was the first philosopher to consolidate the main concepts of liberalism. His writings made a major contribution to the acceptance of the doctrines of constitutional government, religious toleration, representative institutions and the freedom of the individual's private property. It was the ideas of John Locke that later formed the basis for the doctrine of classical liberalism although it must be acknowledged that much of Locke's political theory was based on predecessors such as Richard Hooker, Hugo Grotius, and others. John Locke was not unique as shown by his contemporaries, Samuel Pufendorf in Germany and Benedict de Spinoza in Holland, who were both born in the same year as Locke, 1632. All three were arguing in favour of limited government based on a social contract theory. Yet of all the theories put forward, Locke's was historically the most influential.

To my mind the most apt explanation of the reason for Locke's success that I have read is in the words of Bertrand Russell : "In Locke's theory of government, I repeat, there is little that is original. In this Locke resembles most of the men who have won fame for their ideas. As a rule, the man who thinks first of a new idea is so much ahead of his time that everyone thinks him silly, so that he remains obscure and soon forgotten. Then, gradually, the world becomes ready for the idea, and the man who proclaims it at the fortunate moment gets all the credit" (Quoted in Ebenstein 1957:308).

Notwithstanding the apparent lack of innovative opinion we must not overlook that Locke did have some unique and original ideas. One such example is that Locke proclaimed that government existed for the welfare of the individual. It is the individual that gives or withholds approval of the government's action. This has become the fundamental basis of the English process of civil government and is the norm for the western world. It could be claimed that Locke originated the concept of the separation of power between the legislative and the executive although I

think it would be more correct to say that Locke merely alluded to it while the French philosopher Baron de Montesquieu (1689-1755) developed the theme.

Locke had a profound effect on his native England. Kathleen McLean (1962:1) reports that students entering university were encouraged to study Locke. Queen Caroline had a bust of Locke sculptured in 1734. Alexander Pope wrote that it was fashionable for young ladies to read Locke and to attract young beaus they would have a heavy tome of Locke in hand when their painting was done.

He managed to put the spotlight on empirical enquiry and change the face of politics and philosophy. He exercised a deep influence on the thinkers of the seventeenth and eighteenth century, such as Voltaire, thus putting his opinions in the mainstream of English political developments. The influence of Locke on the American Revolution can hardly be overestimated. His influence continued and eventually his ideas returned to Europe in a modified form to encourage the French Revolution. One of the great contributions of Locke is his analysis of the constitutional situation at a crucial period of its growth and his ability to see its conformity with rational principles. Not that his thoughts were always welcome. On the contrary, they frequently cut across the traditional thinking of his day and were received with hostility, and therefore he published most of his writings anonymously.

W. von Leyden finds Locke's doctrines to be, at times, consistent when he not only puts forward a view but proceeds to supplement it with further reasoning. One such example is his views on law, liberty and prerogative. John Dunn, on the other hand, attacks Locke for being inconsistent. However, Dante Germino points out that consistency is not the greatest virtue in a serious political writer. Jeffreys admits that Locke is not consistent but feels that consistency could hardly be expected of a man who wrote so much and lived so actively. This thought is also borne by O'Conner who does not see Locke as a systematic or consistent thinker which is mainly due to his practical interests as well as not being aware of his presuppositions. Emerson has said that a foolish consistency is the hobgoblin of little minds adored by little

statesmen and philosophers and divines. According to Alabaster, many modern critics not only consider Locke to be inconsistent but also confused. C.B. Macpherson considers Locke to be the confused man's Hobbes. Contemporary interpreters of Locke, however, ignore his inconsistencies and are polarised into either liberal-constitutionalists and Marxists.

Alabaster (1984:138) claims that Locke lacks rigor and probing thoroughness in his works. Yet Berlin can suggest that Locke may almost be said to have invented the notion of common sense. In my opinion the mixed views that greet Locke are due to the fact that he does not pretend to have all the answers and therefore does not attempt to explain away what he finds inexplicable. For instance, Locke was unable to reconcile the concept of free will and an omnipotent God. In a letter dated 20 January 1693 he wrote to William Molyneux :

I own freely to you the weakness of my understanding that though it be unquestionable that there is omnipotence and omniscience in God our Maker, and I cannot have a clearer perception of anything than I am free, yet I cannot make freedom in man consistent with omnipotent and omniscience in God, though I am fully persuaded of both as of any truths I most firmly assent to. And therefore I have long given off the consideration of that question, resolving all into this short conclusion, that if it be possible for God to make us a free agent, then man is free, though I see not the way of it. (as quoted in Yolton 1969:220).

In reading both his critics and his admirers I have gained the impression that there seems to be a problem in that Locke's writings have a tendency to be too closely interwoven with his times and he is too influenced by his own political convictions. But a writer cannot help taking the circumstances of his times and applying it to his writings. This is true of Plato as it is true of Marx. These criticisms, no matter how valid, should not, in my opinion, overshadow the aspects which have lasting value. The principles which are universally valid do not become worthless because they were applied differently at a different time. Truth is timeless or as the Bible, which was Locke's primary source of reference, says " "Truth spoken, stands forever" (Proverbs 12:19)

### 1.3 THE CONTEXT OF THEOPOLITY

I return to Jeffreys quote with which I commenced the previous chapter. "It is one of the paradoxes of history that the people of the past speak more clearly to us at the present day if we understand them in the context of their own time" (Jeffreys 1967:1). Following this argument, this section is a brief sketch of the context in which Locke's writings took place thus giving a certain amount of insight into some of the influences on Locke's theory of Theopolity.

John Locke was born on 29 August 1632 into a divided England. Socially, England was divided between town and country. This was intensified by the economic shift from land to industry. Commerce created a non-conformist middle class which opposed the Anglican Gentry. Politically England was also divided. Charles the first was on the throne and believed that it was his divine right to rule without consulting the people. He ruled without convening Parliament for eleven years. This was resented by the people and led to resistance by Parliament which presented the Kings with details of their grievances in 1641.

Locke was schooled by his father until 1642, when civil war broke out with Oliver Cromwell leading his forces against the Kings. Locke's father involved himself with the Parliamentary army against the King. From 1646 onwards, Locke attended Westminster School which was at the headquarters of the Revolution. It was at Westminster that he came under religious influences which helped him break free of the unquestioning faith that he had been taught at home. This was a major step in his development, as his philosophy became largely based on questioning and reasoning. Despite being exposed to these new ideas, Locke did not enjoy school as seen in his Thoughts Concerning Education in which he criticised the discipline and studies of schools in his time.

Within three years the war was over and Cromwell ruled. AT first Cromwell was an unofficial dictator but later was made Lord Protector. In 1652, Locke became an undergraduate at Christ Church, Oxford, which had been the headquarters of the King's army until 1646. He graduated as a Bachelor of the Arts in 1656 and then later as a Master of Arts. The subjects he took



were usually taken in preparation for service as a clergyman. Despite this Locke spent his life fighting the Anglican teaching of the divine right of the King and the teaching that the King's power is spiritual. In 1659 he was elected to a Senior Studentship and the following year he took up a lectureship in Greek and later, in 1662, a lectureship in Rhetoric. While attending to his academic duties he befriended Robert Boyle who has the distinction of being Locke's scientific mentor. Boyle's influence is acknowledged in Locke's Essay on Human Understanding.

At this time his political thinking was that of a strict right wing monarchist and was clearly influenced by the writings of Hobbes as can be seen from his pamphlet on religious toleration written in the years 1660 to 1661, called Two Treatises on Government. The Royalist traditions was once again becoming dominant at Christ Church and the restoration of the monarchy led to liberalism being discouraged at Oxford. The following year Cromwell died. The popular conception was that he had done well to oppose the King but was not a good ruler. The people now felt that rigid puritanism was too much and the time was ripe for Charles II to ascend the throne. In the years 1660 to 1661 Locke wrote two essays on the demerits of claims to religious toleration now known collectively as Two Tracts on Government. This was the first of two works which Locke wrote in his 15 years at Oxford but were only published this century. The second was a series of lectures on the Law of Nature delivered in 1664, which led to Essays on the Laws of Nature. At this time he was still following a Hobbesian approach to philosophy and toleration.

Locke started his studies in medicine in 1664 but briefly left his studies in 1665 to become secretary to Sir Walter Vane in a mission to the Elector of Brandenburg. It was on this trip that Locke was, apparently for the first time, exposed to religious toleration. This greatly influenced him and was contradictory to his earlier work, Two Tracts on Government. This was a significant influence in the shift of Locke's views away from Hobbes. One notable difference with Hobbes is Locke's view of humankind as being decent, orderly, socially minded and able to rule themselves. This could be largely due to Locke's own temperament. He made friends wherever he went. The existence of his wide circle of affectionate and

enduring friendships must have contributed to his compassionate view of human nature.

He gained a Bachelors in medicine in 1674 by which time he had been associated with the Earl of Shaftesbury for some 9 years. Despite two attempts he was not awarded his doctorate. During his studies in medicine Locke started reading the writings of Descartes as he did not agree with the Aristotelian tradition at Oxford. It was these readings in Descartes that prompted his interest in philosophy even though he did not always agree with Descartes.

Arguably the turning point in Locke's life was in 1666 when he met Ashley Cooper (later Earl of Shaftesbury), the founder of the Whigs in England. At the age of 34 Locke went to live in the Shaftesbury household as Ashley's personal physician. During his time with Shaftesbury he became part of the inner circle and the friendship brought about the change that had already begun in Locke to become a liberal. This was especially in the area of toleration which Shaftesbury felt strongly about. In the same year the influences on Locke to accept the principle of Toleration bore fruit when he wrote his Essay on Toleration which showed that he had finally moved away from his previously conservative standpoint.

Shaftesbury also taught Locke to understand economic responsibility. This led to Locke writing "Some considerations on the consequences of lowering the rate of interest and raising the value of money" in 1691 which was followed by "Further considerations concerning the value of money" in 1695. Also written in 1695 was "For encouraging the coining of silver money and for keeping it there".

His readings of Descartes had aroused his interest in epistemology. In 1671, Locke commenced writing his famous Essay concerning Human Understanding which arose from discussions with friends. He offered to write an answer to his friends on the question of the limits of human understanding. He wrote the work in isolated sections, often with long intervals between each section. It was finally published in 1688 and was the first book by Locke not to be published anonymously. During the years



after 1671 he continued the thoughts of "Essay" and published a second edition in 1694, with two further editions also published in his lifetime. These thoughts were continued in his Conduct of Understanding which was only published after his death.

In 1672 Locke was appointed Secretary of Presentations. In 1673 Shaftesbury was dismissed as Chancellor resulting in Locke losing his post, although he became Secretary to the Council of Trade and Foreign plantations. It appears that at this stage, in 1673, he commenced his highly dangerous (politically-speaking) Two Treatises of Government, commencing with the Second Treatise first. The bulk of the work was written while Locke was in exile in Amsterdam, with the major revision in 1680. At some stage between 1683 and 1689 a middle section of the Second Treatises was destroyed. In the preface Locke claims that this was as long as the rest put together. A large part of the Second treatise deals with the right to property. This emphasise must be seen in relation to the prevalent controversy over King Charles' ship-money tax which was regarded as an invasion of property rights. It should also be borne in mind that Algernon Sidney had been put to death for, amongst other charges, attacking Sir Robert Filmer's Patriarcha. The gist of Locke's First Treatise was an attack on the very same work. It is no wonder that Locke did not acknowledge authorship.

There has been much ink spilt over whether this work was written to justify the glorious rebellion of 1688 or not. Peter Laslett wrote an article entitled "The English Revolution and John Locke's Two Treatises" in 1956. He proved that it was most probably commenced in 1673, long before the revolution and therefore it was not written as a justification. However in 1980, Richard Ashcraft convincingly postulated in an article entitled "Revolutionary politics and Locke" that this work was part of the conspiracy known as the Rye House Plot which culminated in the abortive Mornmouth Rebellion in 1685.

At this stage of Locke's career, consumption had already begun to attack his body with periodic asthma attacks which continued to ail him for the rest of his life. This coupled with losing office in 1673, was the

motivation for Locke to spend the three years in France. During this time in France, Shaftesbury was imprisoned for a time in the Tower for his opposition to the King. The King however realised that there was a threat from France and Rome and so turned to the popular party headed by Shaftesbury for help. A few days later Locke returned to England in April 1679.

Shaftesbury continued to be heavily involved in intrigue and in October 1679 he was again dismissed by the King. The infamous Rye House Plot to assassinate the King was uncovered. This led to Shaftesbury being tried and acquitted on the count of treason in 1681 but he continued to plot against the King in support of the Duke of Monmouth who was the illegitimate son of Charles II. On Monmouth's arrest in 1682, Shaftesbury fled to Amsterdam where he died in 1683. Locke was also forced to flee to Amsterdam when Nathaniel Wade named Locke as a financier of Monmouth's rebellion.

In 1685 King Charles died and his younger brother, James became King. In the same year Monmouth's rebellion finally failed resulting in 300 executions and 800 banishments. Locke was listed as one of the 84 most dangerous Englishmen in Holland which resulted in James II unsuccessfully trying to have him extradited.

While Locke was in Holland, Europe was going through a religious crisis with the Protestant Community in France facing the crusading Catholic absolutism of the King and the French Huguenot persecution which, combined with the French military pressure on Netherlands created a climate of religious intolerance. Against this background Locke wrote A letter on Toleration as a defense in favour of religious liberty, a reversal of his earlier but unpublished views. First published in Latin in 1685, it was supplemented by a second letter in 1690 and a third letter in 1692.

Catholicism was not restricted to the continent. In Britain, King Charles had successfully broken the power of the Puritans and had started to show tendencies toward Divine Rule. King James, who was a Catholic, had attempted to interfere with the Church and the people feared a Catholic

plot. He also attempted to replace Tories and High Churchmen in government with Catholics. Since the Restoration, the two kings had both attempted to extend the influence of Catholics to undermine the political power of the Anglican clergy. This had a deep influence on Locke's extension of freedom and toleration. In his writings he did not extend religious freedom to Roman Catholics because at that point in history they owed their allegiance to a foreign power, namely the Vatican which was thought to pose a threat to British Society.

Civil war was once again on the horizon but averted by William of Orange ascending the throne by invitation from both Whigs and Tories. William of Orange landed in Britain in November 1688 and allowed King James to flee to France. Locke returned to London in 1689 and took on the position of Commissioner of Appeals. During his final years he wrote, amongst others, *Some Thoughts Concerning Education* in 1692-1693. This work originated out of letters first written in 1684 to a friend, Edward Clarke giving advice on bringing up Clarke's son. In 1696 he became the Commissioner for the new Board of Trade until he retired in 1700. His health deteriorated. Not only did his asthma continue but he also suffered from swelling of his legs and deafness.

His last years were spent at the home of a friend, Lady Masham. During this time he wrote *The Reasonableness of Christianity* which was published in secret in 1695. Attacks on this work by John Edwards resulted in Locke replying in two anonymous vindications of his work in 1695 and 1697. A further attack on his work resulted in Locke writing three further works in 1697 defending his original *The Reasonableness of Christianity*. Nevertheless *The Reasonableness of Christianity* became the central theme of theology for over a century.

Locke died at Essex in October 28, 1704 at the age of 72. He had lived through turbulent times and had experienced acceptance and rejection. As Jeffreys (1967:7) states "Locke was a prophet of reasonableness in a world that could hardly have been more unreasonable".

In this Thesis my primary source will be Two Treatises of Government, although Essays on the Laws of nature, The Reasonableness of Christianity and his Essay concerning Human Understanding are also important sources of references. It is also important for us to remember that the basis of John Locke's political writings is a blend between moral and religious principles especially with regard to the Natural Rights which occupy a central position in Locke's Theopolity. In fact Locke's politics is really a transposition of his theology.

For a more detailed description of his Life and Works refer to Appendices 1 and 2.

## 2. LOCKE'S INFLUENCES AND CRITICS

### 2.1 CLASSIC INFLUENCES

To consider Locke's work in perspective we must look to see what other writers influenced him. Despite Locke's reliance on his predecessors he seldom acknowledges their contribution or cites their authority. There are, however, exceptions. For instance in his Two Treatises he quotes Holy Scripture 79 times. In that same work Bilson, James I, Milton, Hunton, Ainsworth, Selden and Grotius, all get a mention as does Aristotle. Aristotle is also mentioned in other works :

I say this not in any way to lessen Aristotle, whom I look on as one of the greatest men amongst the ancients; whose large views, acuteness and penetration of thought and strength of judgement, few have equalled. (ECHO Book 4 chap 17 sec 4)

Another exception is Richard Hooker who is mentioned a dozen times in his Two Treatises. This is possibly largely due to the Hooker's "Ecclesiastical Polity" which Locke purchased in June 1681 while he was writing his Second Treatise. Locke also mentions the Scotsman William Barclay. No doubt he was influenced by Barclay's "De Poteste Papae" and "De regno et regalia potestate" which he purchased in July 1681 and the numerous other publications on political theory and natural law which he purchased during this time. Locke attributes his philosophical awakening to Descartes. By this he meant his way of dealing with philosophical questions and not the actual conclusions of Descartes with whom he often differed. The influence of Descartes will be more fully investigated in Chapter 2 dealing with epistemology.

With regard to his unmentioned influences, Von Leyden suggests that many of Locke's arguments in the Essays on the law of nature and especially the seventh essay, are traceable directly to passages in "Summa" by Thomas Aquinas. Ashcraft on the other hand claims that many of Locke's arguments first appear in James Tyrrell's "Patriarcha non Monarcha" as Ashcraft says " There are too many -literally scores of them - to list

here. Not only the notions of the state of nature or the great law of nature, that every man ought to endeavour for the common good of humankind, but also the dissolution of government, the state of war, tacit consent, private property arising from the labour and industry of the individual, the examples of Indians living in America and many more specific parts of Locke's arguments first appear in Tyrell's works".

The actual roots of Locke's Theopolity go back to the early Greeks and Romans. Both Plato and Aristotle considered and rejected the concept of Social Contract. It was through the writings of Thomas Aquinas (1226-1274) who built upon the concepts of Aristotle and supplemented the thoughts of the Roman Marcus Cicero (106-43 BC), that the idea of law of nature was introduced into English popular thought. In the later middle ages Aquinas' theory became the orthodox teaching in England and on the continent.

This resulted in the law of nature being subordinate to the law of God. The doctrine of the Fall was supreme with the result that the church saw society as evil. However, a revival in the interpretation of the covenant of the Old Testament resulted in the concept of Social Contract being brought back into political theory via the church.

As early as 1594, the English political Theorist, Richard Hooker (1553-1600) outlined the theory of a social contract. Locke agreed fully with Hooker on the question of human nature. Unlike Hobbes who was to follow him, Hooker had seen humankind's greatest tie as his sociability. Hobbes had seen antagonism as the greatest force between individuals. Locke picked up this more humanistic thread thus deviating from Hobbes and the Calvinistic teaching of his day. Locke did not agree with Hooker on everything, however. For instance Hooker claimed that membership of society and the church were inherited while Locke saw them as a completely voluntary choice.

Thomas Hobbes (1588-1679) wrote of men in the orthodox view of the late 1500's which was the vicious nature of humankind. This view became the hallmark of atheism by the time that Locke started writing. Locke gave a view contrary to Hobbes in that he saw in humankind qualities which gave

rise to the basis of social endeavour. In short Locke displayed a faith in human nature which he would have thought reasonable and justified by experience. Hobbes simply could not accept this faith, although Hobbes had rejected the mediaeval concept of the fall of humankind from a state of bliss. Hobbes believed that the theory of natural law put forward by those against the monarchy would lead to anarchy. Hobbes' assumptions led him to postulate a theory of natural law and social contract that was in favour of absolute rule within a state and continuing war between independent states. Locke on the other hand was in favour of constitutional rule in a state with international peace through international law. Hobbes left unlimited law in the hands of the ruler of the day.

The Dutch philosopher Hugo Grotius (1583-1645) in his book "*De jure praedae*" in 1607 put forward the view that the individual in the state of nature had the right to punish those who do wrong. When a community was established, the individual transferred his power to the state. This doctrine was clearly taken up by Locke and expounded in his *Two Treatises on Government*. However Locke moved away from Grotius' thoughts on private property. Although Grotius claimed that private property was established in the state of nature by the consent of all humankind who once shared in the original ownership of the resources, Locke stated that private property was established in the state of nature by natural law. This concept will be more fully explored elsewhere in this thesis.

Locke wrote his first of the *Two Treatise on Government* to demolish two views which were being used to justify privilege, oppression and political slavery. One view was that government requires the complete subjection of the people to the absolute will of the state or else society would not be possible. The other view was that of Robert Filmer who supported the divine right of Kings in his book "*Patriarcha*". Filmer had taken up all the familiar reasonings of his day that supported an absolute government based on divine institution. This reasoning said that Parliament is in an advisory role only. Filmer clung to the belief in the verbal inspiration of the Scriptures and the inability of mankind to establish its own ruler. Locke showed that Filmer could never prove



his theory and that unless a direct lineage of kingship from Adam to a king could be proven the argument fell flat and that human rule, in fact, came from some other source. Filmer had opposed Hobbes' view on the Social Contract as it was contrary to the concept of divine right although he believed in Natural Law which is one of Locke's fundamental theories.

Algernon Sydney (1622-1683) wrote a challenge to the theories of Filmer. He made a reasoned rejection of divine right and stated that only certain powers are delegated to the state while the people retained the rest. He saw Filmer's justification of unresisting obedience as nothing less than slavery. For his stand he was executed for treason. His book "Discourses Concerning Government" was only published 15 years after his death. Unlike Locke, Sidney did not see the social contract as a formal resolution but rather a free determination of individuals uniting together. In this contract Sidney recognised that ordinary humankind retained possession of certain native rights which the laws in the community should uphold and protect. While he praised liberty as one of these native rights, he nevertheless had an aversion to equality. A major difference between Sydney and Locke is the former's reliance on historical arguments for ancient liberties while Locke relies on reason as a better basis for government by consent. Sydney's moderate views were in the same vein as George Savile, Marquis of Halifax (1633-1695) who was possibly the most original thinker of the restoration period. He wanted a limited monarchy and individual freedom. He wanted more toleration than Locke would later allow but nevertheless did not extend his toleration to Roman Catholics who, in his opinion, could not hold public office.

## 2.2 MODERN POLITICAL THOUGHT

Just as we needed to look at influences on Locke to gain a better perspective on his works, so it is necessary to see how he influenced the writers who followed him to understand how Locke has been viewed in retrospect. It also gives us a better insight into the current Lockean thinking. Dr. R N Berki states that Locke prepared the ground for a more democratic civic vision in the eighteenth century (Berki 1977:148). This influence in varying degrees can be seen in most major political



philosophers and few can write while ignoring Locke, even if only to refute his theories. On the other hand his influence is more overt such as in William Molyneux's demand for Irish freedom and the French Huguenots.

Locke lived in a time of intense intellectual activity and political upheaval at a time when the struggle between the monarch and parliament became decisive. The world scene which followed Locke was one where there was a growing discontent with the rulers of the day. There was a demand for democracy and political equality. America was unhappy with the British style of rule and the French were tired of their decadent monarchy. This was not all that different from Britain during Locke's time but a new dispensation had begun with a new approach to political philosophy. England saw the establishment of parliamentary and party government. In the eighteenth century the place of theology in politics rapidly diminished. The methods proposed by Descartes and supported by Locke were adopted and examined. Human reason was substituted for the authority of Scripture. The scientific rationalistic movement of which Locke was a propagator, became the predominant movement of the eighteenth century.

The Americans developed Locke's theory of representation and came up with a slogan of 'No taxation without representation'. Locke's views on consent became the justification for their rebellion. On the Continent the followers of the German jurist, Samuel von Pufendorf (1632-1694) maintained a rationalist's point of view. One of his followers, Christian Wolff (1679-1754), developed Pufendorf and Grotius' theories on a similar line to Locke using the law of nature and the theory of the state as his basis. Another follower of Pufendorf, Christian Thomasius (1655-1728), made a distinction between natural rights which are inherent in mankind and rights acquired from human law : a distinction I will be making in this thesis.

The criticism of the basis of Locke's political theories, namely the concepts of natural law and social contract started with the Scottish philosopher David Hume's "Of the original Contract" published in 1742.

Hume argued that the criterion of tacit consent is inapplicable, most people being inevitably constrained by cultural, linguistic and habitual ties to stay where they are, whatever the government.

Early in the eighteenth century the French philosopher Charles-Louis de Secondat, Baron de Montesquieu (1689-1755) agreed with Locke that the theory of divine right was unacceptable. But he rejected Locke's theory of the social contract. Montesquieu believed that the state was a product of the environment although he agreed that it was subject to the laws of nature. The laws of nature were in fact the law of the universe which was subject to growth and decay. From this I assume that he would have seen rights as a fluid situation and not as a static yardstick. Despite this he drew largely on Locke for his theories of liberty. His major contribution was his theory on the question of the absolute separation of powers which he saw as the only solution to absolutism and which Locke himself had raised in his writings but had not fully developed. Overall Montesquieu did not use the methods of Plato or Locke but rather relied on Aristotle and Jean Bodin (1530-1596).

Among Montesquieu's French Contemporaries who were greatly influenced by Locke were Voltaire (1694-1778) and the Encyclopediasts. Voltaire spent time in England studying Bacon, Newton and Locke. Based on these influences he formulated his theories on freedom and equal rights to liberty, property and protection from the law as well as political rights for the middle class. Of the Encyclopediasts, Diderot (1713-1784) and D'Alembert (1717-1783) are the most influential having compiled the 28 volume work which summarised science and history to create a philosophy of life. In this work many ideas were defined in terms of Locke's thoughts.

One person that was influenced by Montesquieu was Jean-Jacques Rousseau (1712-1778) whose thought, according to Berki, is the lynch-pin of the political consciousness of the entire modern period (Berki 1977:159). Rousseau commenced with the study of the state of nature. His strict Calvinist upbringing left him bemused as he read the conflicting views of Hobbes and Locke. In his first political essay he rejected both Hobbes

and Locke's versions. He could not support Locke's view that mankind was bound by the law of nature with no need for political institutions. He could not accept Locke's theory that property was natural to mankind. Rather property was a social institution that developed in history and is a deformation of human nature. Also contrary to Locke, Rousseau saw property as requiring the consent of those who have none. In the state of nature, mankind was solitary but not lonely, innocent, happy and contented. In short he claimed that society corrupted mankind and society started when mankind first claimed private property. A closer look reveals that Rousseau is in fact not very far from Locke in his view of mankind in the state of nature. The major difference is that Rousseau is hostile to the establishment of government while Locke saw it as a necessity. Rousseau concluded that sovereignty must reside with the community. Unlike Locke, however, Rousseau distrusted a democracy and proposed an aristocracy. He saw the government as a trustee of the people and not the product of a social contract. He agreed however that where the government broke its trust (or contract, in Locke's terms), the community had the power to place its trust elsewhere. It is claimed that Rousseau stands mid-way between the Christian solution of Locke and the biological atheism of Marx (Doyle 1966:218).

A contemporary of Rousseau and a friend of David Hume was the Scottish philosopher Adam Smith (1723-1790). He rejected the thoughts of Locke in terms of obedience. Locke postulated that obedience originated from the Social Contract. Smith felt obedience simply arose from habit and respect for authority which evolved gradually.

Not all political philosophers accepted that mankind had rights. The Irishman, Edmund Burke (1729-1797) for instance rejected that the idea of rights for mankind were valid. The writings of Rousseau had played a major role in leading to the French Revolution which horrified Burke who wrote as a neoclassical democratic philosopher. Returning political philosophy to a theological base, Burke said that all relationships were pre-arranged by God. He also condemned any move toward democracy or the extension of the franchise in Britain and wanted Parliament to be all-powerful. His main attacks were on the idea of natural rights and

the belief in reason both of which were foundations to Locke's political philosophy. In contrast to Locke, Burke does not rely on knowledge of divinely revealed truth to establish his political arguments. Burke also rejected the basic equality of the people which was a fundamental Lockean concept. Finally Burke would not accept Locke's belief that a Member of Parliament is bound by the wishes of his constituents.

Political philosophy now entered the nineteenth century which was marked by the feud between scientists and religionists. By this time Locke had come to be seen as the predecessor of Kant and from the middle of the nineteenth century more and more philosophers considered Locke not to be the one-sided empiricist and sensualist that his critics had claimed (Petzall 1937:6). It was in this time that the English Philosopher, John Stuart Mill (1806-1873) rose to defend liberty which was one of Locke's three basic rights. Mill continued in the utilitarian vein but developed it into a more complicated concept. He supported the concept of liberty to such an extent that he almost reinstated it as a natural right, as Locke had done. In the same manner as Locke, Mill states that the function of government is to make and enforce rules which protect the rights of the individual. Yet later he came to question economic freedom in his book "Principles of political economy". Interestingly Mills rejected rule by the majority on the ground that the masses were but average men. Where Mill agrees with Locke he does not merely repeat the theories but actually applies, develops and transforms them.

The rejection of much of Locke's theories continued with Thomas Hill Green (1836-1883) who redefined the essence of the law of nature as Locke had portrayed it. He proclaimed that law was only natural in the sense that it helped society reach its goal. Like Locke and Mill, Green tried to show what pleased God, made men happy and secured progress in terms of his day and age. Green wrote his "Introduction to Hume" in 1874. In this work he devoted no less than 130 pages to refuting Locke's theories. "Green seizes upon passages which admit, in the light of the sequel, of being interpreted in terms of pure sensationalism. He isolates certain ideas which he thinks he finds in Locke - often, it must be confessed, by putting a forced sense on Locke's expression - and,

after developing them mercilessly into their consequences, proceeds to demonstrate their inadequacy in the light of principles derived from Kant's transcendental analysis of experiences ... It applies to Locke's work conceptions and standards quite foreign to his purpose, and so much outside the circle of his ideas that he could scarcely have understood what his critics miss and what he desiderated" (Pringle 1934:xxix).

It would be an impossible task to refer to all the philosophers and writers who have analysed or interpreted Locke's philosophy. I have mentioned but a few. Current writers such as Nozick, MacPherson, for example. will be covered in a later chapter dealing with current reflections on Locke. The omission of names such as Bentham, Hegel, etc. does not mean that they have not had a significant effect on the interpretation or authority of Locke's thoughts, but rather the omission must be seen in the light of the subject matter of this thesis.

### 3. THE SOURCES OF THEOPOLITY

#### 3.1 EPISTEMOLOGY

While this thesis deals primarily with Religion and Rights, I believe that Locke's Theology can only be understood if we have a grasp of his Epistemology. Not only does his Epistemology provide a key to his religious beliefs but it is also one of the foundation stones of his political theory. It is therefore important to ensure that we have reasonable insight into Epistemology before studying his Theology.

Epistemology is, in its simplest form, the study of knowledge and the justification of belief (Dancy 1985:1). Classical epistemology can be described as trying to find out what we can know and what the sources of knowledge are. It is also a desire to know what is truth. The pursuit of knowledge and truth, judging from his writings, appears to have been Locke's goal in life. M. Bunge has stated that truth can be logical, mathematical, factual or philosophical (Bunge 1983:2). Locke in his writings has used logical and philosophical arguments to support his views.

To trace the arguments for and against innate knowledge we can go back to Aristotle who affirmed that ideas are not ingenite but are imprinted by the impressions of sense. The basis of Aristotle's theory on how we get our ideas is his theory of perception. Aristotle saw perception as a transaction in which a form is transmitted by a medium, such as light, from the object to the perceiver who has an organ, such as the eye, to receive and pass on to the mind the form which is being transmitted. This was a rejection of the Stoics and Plato's doctrines which stated that from birth, or earlier, certain ideas are already in our minds. By the 17th Century the concept of innate knowledge had become fully accepted in one form or another and this knowledge was widely taken to be necessary for the foundation of religion and morality.



But during the 17th Century the scientific method began to slowly spread it's influences although it initially was accepted by a few. One such person was Descartes. According to Feibleman (1975:102), Descartes looked back to St. Augustine and took as his starting point, a mind cleared of all belief, a blank page. He then tried to base his theories on reasoning alone, with no reference to senses or experience. He said that mankind starts by reasoning his own existence and then reasons the existence of God. The idea of God could not come about if God did not in fact exist. Descartes was using Anselm of Canterbury's (1033-1109) ontological argument for the existence of God. An ontological argument is the study of being as being, the investigation of what must belong to anything that exists. Or to put it another way, I have an idea of God as the perfect being or as that other than which nothing greater can be conceived. If the idea exists, then the thing itself must exist; the idea must correspond to something which is outside my mind. Therefore God must exist. He adapted Anselm's argument by saying that just as the sum of the three angles of a triangle equalling two right angles is included in the idea of a triangle, so the existence of God is included in the very idea of God. He was also using St. Thomas Aquinas' cosmological argument which states that it is therefore necessary to affirm something which is absolutely necessary, which does not have the cause of its necessity from elsewhere, but which is the cause of necessity for others; and this everybody calls God. The argument follows that every effect has a cause. Therefore there must be a first cause to create the universe, and God is by definition the first cause. Therefore God must exist. Descartes adapted Aquinas' argument by using God to prove the validity of our perception of the world and not the other way round.

Locke himself attributed his interest in philosophy to Descartes. This can be found in a letter written by Locke :

Though I must always acknowledge to that justly admired gentleman (Descartes) the great obligation of my first deliverance from unintelligible way of talking of the philosophy in use in the schools in his time, yet I am so far from entitle in his writings to any of the errors or imperfections which are to be found in my Essay, as derived their original from him, that I must own to your lordship they were spun barely out of my own thoughts,

reflecting as well as I could on my own mind, and the ideas I had there ; and were not, that I know derived from any other original (as quoted in Gibson 1968:205).

In a letter from Lady Masham to Le Clerc in 1706 she wrote "The first books, as Mr. Locke himself has told me, which gave him relish for philosophical things, were those of Descartes. He rejoiced in reading these, because though he very often differed in opinion from this writer, he found what he said very intelligible" (ibid). It must be clear, however, that Locke did not fully agree with Descartes' set of principles but rather he adopted Descartes' intelligent way of dealing with philosophical questions. Locke learned that these questions can be dealt with by appealing to mankind's intelligence. Had Locke not had that Cartesian influence much of Locke's key work, *Essay on Human Understanding*, would not have been written. The First book of the *Essay* was in fact written against those who held onto the scholastic tradition and Locke had learned from Descartes that there was a better way than scholastic, namely the way of appealing to the mind. In Gibson's work we read that "we are forced to recognise Locke's view of general nature of scientific knowledge, including his conception of intuition as the sole source of certainty and of its relation to demonstration, is due directly or indirectly to the influence of Descartes" (Gibson 1968:212).

Ever since the time of the early Greeks, mankind has addressed the problem of what there is. With the advent of the new interest in science men wanted to know how do we know. This new approach was called epistemology. One of its chief advocates was Locke. This new approach brought Locke into conflict with the writings of the much admired Descartes. Secondly Cartesian grounds of knowledge were in opposition to the concept of innate ideas. This concept was in conflict with his theory of the experiential basis for knowledge. It was widely held in his day, that God imprinted on mankind certain indelible truths, one of these being a developed conscience which enables mankind to tell right from wrong even if mankind is not immediately aware of his innate ideas.

Natural law, which as we shall later see, is a cornerstone of Locke's political thought. This theory was, up to Locke's time, dependent on the



idea of innate knowledge. This innate knowledge, it was claimed, enabled men to recognise these laws which were laid down by God. While Locke was pondering the question of human understanding, Ralph Cudworth (the father of Locke's friend Lady Masham) published, in 1678, "The true intellectual System of the Universe", which outlined the Cambridge Platonists support of innate ideas. Although he does not identify his opposition, he clearly wrote his *An essay concerning human Understanding* (published in 1690) to refute the Platonists view. Locke treats the question of innate knowledge and innate ideas as an empirical question and uses a very simplistic observation to refute innateness. Because children, illiterate adults and idiots do not have this innate knowledge how can it be imprinted on mankind's mind. As further evidence he cites the person who is blind from birth and has no idea of color. Locke stated that the idea of God cannot be innate because there were people, in newly discovered lands who had no idea of God. Locke therefore concluded that the concept of innate ideas was false because if there were innate ideas they would have to exist in every person throughout the universe forever. It is "a kind of individually inspired dogmatism characterised by groundless affirmations" (Brehier 1966:273) and was used merely to persuade people to accept authority without question. Locke further rejected the concept that innate ideas could be in memory. To bolster his argument, he stated that to remember something I must recognise it as something that I had known before.

Locke also disagreed with Descartes' ontological argument as existence is only supposed, not proven in that argument. However, he did not disagree with all that Descartes stood for. He definitely agreed that declaring the certainty of the existence of self involved the process of thought and knowledge of existence obtained in such a way was intuitive. Locke also agreed with Descartes that men have an idea of God as a being with infinite qualities such as power and knowledge. Descartes claims that this idea is innate. Locke on the other hand analyses the idea of God as a complex idea arrived at by synthesizing our ideas of power and knowledge with our ideas of infinity :

This further is to be observed, that there is no idea we attribute to God, bating infinity, which is not also a

part of our complex idea of other spirits. Because, being capable of no other simple ideas belonging to any thing but body , but those which by reflection we receive from thence; and all the difference we can put between them in our contemplation of spirits, is only in the several extents and degrees of their knowledge, power, duration, happiness, for example. For in that in our ideas, as well of spirits as of other things, were restrained to those we receive from sensation and reflection, (ECHU book 2 chap 33 sec 36).

The starting point of knowledge according to Locke, as with Aristotle, was that the mind is like a blank piece of paper receiving impressions from outside as Locke indicates :

Let us then suppose the mind to be, as we say, white paper void of all characters, without any ideas. ( ECHU Book 2, chap 1, Sec 2)

In the same work Locke refers not to a white paper but to any "empty cabinet" (ECHU book 1 chap 2 sec 15). However the most famous expression used to describe this state of the mind is tabula rasa or blank slate. So how does this tabula rasa become filled with knowledge? Locke answers in the same section as quoted above :

How comes it to be furnished? Whence comes it by that vast store which the busy and boundless fancy of man has painted on it with almost endless variety? Whence has it all the materials of reason and knowledge? To this I answer in one word, from experience; in that all our knowledge is founded and from that it ultimately derives itself ... (ECHU book 2 chap 1 sec 2)

Locke therefore holds that experience is the creator of knowledge and experience can be either internal or external:

external and internal sensation.... alone, as far as I can discover, are the windows by which light is let into this dark room (the mind)....(ECHU book 2 chap 11 sec 17)

In fact Locke postulates that these are the only sources of idea :

These two external things, as the objects of sensation, and the operations of our minds within, 'objects of reflection are to me the only originals from whence all our ideas their beginnings.

These when we have taken a full survey of them ... we shall find to contain our whole stock of ideas; and ... we have nothing in our minds which did not come in one of these two ways. (ECHU book 2 chap 1 sec 4 and 5)

We therefore can see that Locke considers all human knowledge to be either an idea or reflection on ideas :

Knowledge seems to me to be nothing but the perception of the connexion and agreement, or disagreement, and repugnancy, of any ideas. In this alone it consists...(ECHU Book 4, chap 1, sec 2)

Ideas are impressions from objects such as colours, cold, hard, sweet, etc. Human knowledge therefore has no other immediate object but its own ideas. Ideas can only come from objects of which we are aware. From these ideas mankind deduces the certainty or truths of certain ideas. This is called reason, which enables us to enlarge our knowledge and opinion. According to Locke there are four kinds of knowledge. Firstly there is the identity of diversion which is an awareness of the various ideas and the difference between them. Secondly Locke talks of relation. This is the way ideas are associated with each other. Then there is co-existence or necessary connection, which refers to complex ideas which rely on each other to form a single idea. Finally real existence is knowledge in connection with anything other than the relations of ideas to themselves and to each other. Building on these Locke argues that knowledge can come through intuition, demonstration or sensation but that the former two are the extent of our knowledge :

Intuition and demonstration are the degrees of our knowledge; whatever comes short of one of these, with the assurance so ever embraced is but faith or opinion, but not knowledge, at least in all general truths (ECHU book 4 chap 2 sec 14).

Ideas, however are divided into two categories of simple and complex which enables Locke to differentiate between passive cases and active cases in our mind. Simple ideas are the ideas that our senses provide us with. Complex ideas are derived from combining simple ideas :

When the understanding is once stored with these simple ideas, it has the power to repeat, compare, and unite

them, even to an almost infinite variety, and so can make at pleasure a new complex idea. But it is not in (its) power...to invent...one new simple idea in the mind (ECHU book 2 chap 2 sec 2).

I have already stated that Locke analyses the idea of God as a complex idea arrived at by synthesizing our ideas of power and knowledge with our ideas of infinity. The knowledge of the existence of God, however, is established by demonstration. While it may be argued that in studying the existence of God we are moving away from Locke's epistemology towards his metaphysics, Locke's concept of how we establish the existence of God is relevant to his Theopolity. Locke relies more on Aquinas' cosmological argument rather than the Ontological argument. He argues that we can establish the existence of God, as well as his characteristics from the fact that we exist and have perception and knowledge :

Man knows by an intuitive certainty, that bare nothing can (not) produce any real being ... If, therefore, we know that there is one real being (as we do namely ourselves) ..., it is evident demonstration, that from eternity there has been something (ECHU book 4 chap 5 sec 3).

Locke argued that nothing can come from nothing therefore there must have been something before eternity. It could not have been matter or motion as neither could produce an intelligent being. The first being must have been all powerful and eternal. That being who in fact is God.

Locke believed that we carry a touchstone that enables us to distinguish truth from appearances. This touchstone he called natural reason and is a natural revelation. What this really alludes to is mankind's ability to combine ideas and ensures that every person will gain knowledge which he must have. This ability is most clearly outlined in his "Some thoughts concerning education", a book resulting from the many letters Locke wrote to his friends, Edward and Mary Clarke, which gave advice on their daughter Elizabeth. Although this book was published in 1693, the letters to his friends were written during his Dutch exile.

In his earlier writings Locke refers to this inner motivation as a light planted by nature :

a law which each can detect merely by the light planted in us by nature, to which also shows himself obedient in all points and which, he perceives, is presupposed by the principle of his obligations: and this is the rule of living according to nature which the Stoics so often emphasized ... since reason does not so much establish and pronounce the law of nature as search for it and discover it as a law enacted by a superior power and implemented in our heart. (ELN essay 1 page 111)

In his later writings he uses a phrase also used previously by Culverwel and refers to it as a candle :

were it not the candle of the Lord set up by himself in men's minds (ECHU 4 chap 3 sec 20).

Faith comes from a revelation from God and cannot be from deductions out of reason. Locke as an example of a truth of reason cites God's existence. The most obvious truth that reason discovers is the existence of God. Locke further states elsewhere that reason and nature point to certain basic values and truths which are self evident. The German philosopher, Gottfried Leibenz (1646-1716), disagreed with Locke. He maintained that the mind is innately predisposed to certain convictions rather than to others. Despite this view, he agreed with Locke that the notion of innate ideas is often used to justify dogmatism and credulity. He found himself endorsing Locke's censure of this misuse of innate ideas.

Locke's epistemology was not without prejudice in that the question of knowledge is based on certain preconceptions which he never questioned and further claims that Locke applied the principles of the exact sciences to epistemology. Locke's conception of mankind's original natural faculties is an example of his uncritical acceptance of a view widely held in his day. Locke's concept of reason leads us to knowledge that follows the spirit of Hooker, Grotius and Pufendorf and therefore Petzall (1938:39), concludes that "Locke's epistemology is conditioned by tradition and milieu".

Today Locke's concept of tabula rasa which is the idea of an infant having a blank slate on which to write experiences, is widely rejected. Piaget has done much to refute this argument. There is no doubt that an infants interaction with the physical world increases knowledge but an infant knows right from wrong when it is born.

I share the concern of Locke's critics such as Sherlock and Edwards who both pointed out that the alternative to innate knowledge is a relativity in morals. If we rely entirely on our experience to know what is right or wrong, if mankind is totally a product of his environment, then there can be no yardstick for mankind to live by in the state of nature. Yet for Locke the state of nature is a condition where men are free, with reason as their sole guide.

Possibly Petzall captures the essence of some of the problems with Locke's epistemology when he wrote that Locke's *An Essay Concerning Human Understanding* is his main work on epistemology, and has been subjected to many varying interpretations. While some interpreters can be accused of bias and schematics, some fault lies with Locke. Firstly it is a work written over 30 years in varying conditions and therefore not well arranged and open to repudiation. Secondly he did not attempt a definitive work but a dialogue on the subjects and tries to encourage the reader to inquire further for himself. Petzall's final criticism is that Locke's terminology is often uncertain (Petzall 1937:16).

Locke himself seems unable to be dogmatic about his theory which rejects the concept of innate ideas.

and since the arguments which are against (innate ideas) do, some of them, rise from common received opinions, I have been forced to take several things for granted, which is hardly avoidable to anyone whose task it is to show falsehood or improbability of any tenet (ECHU book 1 chap 4 sec 25).

His admittance that some arguments arise from common received opinions considerably weakens his rejection of innate ideas. He seems to be willing to concede that his theory is not infallible :



To deal truly, this is the only way that I can discover, whereby the ideas of things are brought into understanding. If other men have either innate ideas or infused principles, they have reason to enjoy them; and if they are sure of it, it is impossible for others to deny them the privilege that they have above their neighbours. I can speak but of what I find in myself, and is agreeable to those notions, which, if we examine the whole course of men in their several ages, countries, and education, seem to depend on those foundations which I have laid, and to correspond with this method in all the parts and degrees thereof (ECHU book 2 sec 6 para 15).

No matter what modern day philosophers think of Locke's epistemology, there is little doubt that his thoughts were significant in that time. He undermined the idea that some traditional notions were beyond test or question. It is outside the scope of this thesis to develop the argument further although theological aspects and implications will be considered in the next section and in the section dealing with The state of nature.

### 3.2. THEOLOGY

Locke's concept of Christianity is one of reasonableness and logic. In the previous chapter on Epistemology it was stated that the knowledge of God is established by experience. Experience is the creator of knowledge. It is this idea that Locke carries through to his Christian belief. His view of religion is extremely important because Locke's political writings are based on his reasoning of the Bible and his interpretations of scripture. This is especially so in his Two Treatises of Government but is nevertheless a tendency that is often overlooked by writers.

Despite the fact that some commentators read God out of Locke, his political writings are directly affected by his theological views. Locke himself considered the study of Christianity to be the most important branch of knowledge :

There is indeed, one science that is incomparably above all the rest ... I mean Theology, which containing the knowledge of God and his creatures, our duty to him and our fellow creatures, and a view of our present and



future state, is the comprehension of all other knowledge directed to its true end, i.e. the honour and veneration of the Creator, and the happiness of man. This is that noble study which is every man's duty and everyone that can be called rational creature is capable of (Conduct of Understanding section 23 as quoted in Volton 1969:197)

It is important therefore to know where Locke stood in terms of Christian dogma. However, there has been a division of opinion over his exact theological beliefs which had a direct bearing on his writings. At the outset it must be remembered that Locke did not at any stage try to demonstrate the truth of English Anglican Orthodoxy, he merely assumed it.

Church of England orthodoxy owed much to the writings of Richard Hooker and in particular his "Treatise on the Laws of Ecclesiastical Polity". Locke himself quotes Hooker some 12 times in his Two Treatises. This influence is possibly due to the Hookers's book which Locke purchased while writing his Second Treatise. Hooker had suggested the concept of natural law and a less rigid approach to the interpretation of the Bible. There was a fair amount of division within the orthodox belief of the Church but the unifying factor was its conformity to the Book of Common Prayer and its preference for Armenianism as opposed to Calvinism.

Locke's life covered two eras in the history of the Church. The first of these was known as the Reformation era which was from 1517 to 1648. The second was the Period of rationalism from 1648 to 1789. His Christian faith was intertwined with his epistemology which was covered in the previous section. According to Locke there was only one way to obtain knowledge and that was through the experiences of our senses. Similarly our faith must be based on experience.

The universe indicates a creator who is a powerful, loving and wise God. The new Testament is proven by the way Old Testament prophecies were realised by Christ and his miracles which were his credentials. Locke saw them as proof of his authority. If we accept the truth of his miracles, we can accept the truth of his teaching about God. Therefore Locke had reasoned the existence of God. He did however concede that some things were contrary to reason such as the existence of more than

one God. He also conceded that some things were above reason such as the resurrection of Christ. In essence Locke proved in his book "The reasonableness of Christianity" which was the central theme of theology for over a century, that Christianity was basically reasonable and scripture confirmed not contradicted reason :

Is the voice of reason confirmed by inspiration  
(ST chap 5 sec 32)

The question of inspiration, however, was a dilemma for Locke as he wrote to his friend Limborch on 6th October 1685 :

If everything in the holy scripture is to be indiscriminately accepted by us as divinely inspired, a great opportunity will be given to philosophers for doubting our faith and sincerity. If on the other hand any part is regarded as of merely human composition, what becomes of the divine authority of the scriptures, without which the Christian religion falls to the ground (as quoted in Cranston 1957:255)

From the above we note that Locke realised that Scripture sometimes causes differences and in such instances it called for criticism and interpretation :

The prejudices of our own ill-grounded opinions however by us called probable, cannot authorise us to understand Scripture to the contrary to the plain and direct meaning of the word ... since parallel places of Scripture are most probable to make us know how they may be best understood, there needs but the comparing (FT chap 4 sec 36).

Locke further warns against building a doctrine from obscure passages of Scripture that has no comparative passage to support it nor appeals to reason :

it is too much to build a doctrine of so mighty consequence upon so doubtful and obscure a place of scripture, which may be well, nay, better understood in a quite different sense, and so can be but an ill proof, being doubtful as the thing to be proved by it, especially when there is nothing else in Scripture or reason to be found that favours or supports it (FT chap 9 sec 112).

Robert Hoffert claims that when Locke talks of scripture, he means the New Testament. Even in a letter to Richard King in 1703, Locke writes that the best way to gain knowledge is through the New Testament and elsewhere claims that the Gospels are of more value than the epistles. Of the Gospels he appears to favour John the most with Romans being the best non-gospel book of the Bible.

In trying to understand Locke's orthodox Christianity, we need to look at the influences on Locke's religious outlook. Of these among the most important are those he was exposed to in his formative years. Locke's father and mother were both from Puritan families and it would seem that he had a strict Puritan upbringing. I observe that he may not have enjoyed his upbringing, for in a letter he wrote :

The two things I love most are my grandfather and quiet  
(A letter to Lord Ashley dated 11th March 1692).

While excessively strict and religious parents often leave mental scars on their children, Locke seems to have escaped the danger of becoming embittered and resentful which could have influenced his thinking and writings especially in the sphere of religion. Locke appears to have come to terms with his father, for Lady Masham wrote" (Locke) never mentioned (his father) but with great respect and affection. His father used a conduct toward him when young that he often spoke afterwards with great approbation. It was the being severe to him by keeping him in much awe and at a distance when he was a boy, but relaxing, still by degrees, of the severity as he grew up to be man, till, he being capable to it, he lived perfectly with him as a friend. And I remember he has told me that his father, after he was man, solemnly asked his pardon for having struck him once in a passion while he was a boy" (as quoted in Jones 1980:153).

According to Locke's biographer, Cranston, the strong unquestioning faith that Locke imbibed from his home was largely erased by the influence of his master at Westminster School, Richard Busby. Locke started at Westminster in 1647. At the age of 20 he entered Christ Church accompanied by the Presbyterian politician, Col. Alexander Popham. At Oxford his tutor was Thomas Cole who was also from Westminster but independent in his religion. The Dean, John Owen, on the other hand was

one of Cromwell's Independent sect and based his regular sermons on the Bible, in true Calvinist fashion. John Owen was one of the early propagators of the religious duty of toleration, having left the Presbyterians in 1649. (Fraser 1890:12). During this time Locke would have also heard sermons by the professor of history, Lewis de Moulin who espoused international Calvinism.

It is obvious from Locke's letters when writing about a Quakers trial he witnessed in 1656, that he was intolerant of dissidents. This was a view far from the teachings of John Owen although Locke did become friends of the quakers, William Penn and Benjamin Furley, in his later life. In fact Locke stayed with Furley for a year during his exile in Holland. One of Locke's correspondents at the time was James Nayler who was eventually put on trial for claiming to be the Son of God.

Despite his Calvinistic family background he was unsympathetic towards non-conformists in his earlier years. This seems to be in keeping with the general impression of Locke in his early years when he appears to have been somewhat intolerant and very much his own man. As Anthony Wood wrote of Locke at the time, "This John Locke was a man of turbulent spirit, clamorous and never contented. The club wrote and took notes from the mouth of their master, who sat at the upper end of a table, but the said John Locke scorned to do it, so that while every man besides of the club were writing, he would be prating and troublesome" (as quoted in Cranston 1957:76). This is further borne out by his French translator, Pierre Coste who said he was a naturally hot tempered man who had learned to control his feelings (Aaron 1971:52). Yet by the time he was seventy he was considered a warm man dependent on the emotional input of friends.

Locke visited the continent for the first time in 1665 in the position of Secretary to the Diplomatic Mission of Sir Vane. What impressed Locke, as he stated in a letter to Robert Boyle written in December of that year, is that Calvinists, Lutheran and Roman Catholics were all allowed to practise their beliefs :

The distance in their Churches gets not into their houses. They quietly permit one another to choose their

way to heaven; and I cannot observe any quarrels or animosities amongst them on account of religion. This good correspondence is owing partly to the power of the magistrate, and partly to the prudence and good nature of the people, who, as I find by inquiring, entertain different opinions without any secret hatred or rancour. (as quoted in Cranston 1957:82)

On his return to Oxford, Locke was again urged to enter holy orders. According to Fraser, Locke's religious and metaphysical bent gravitated towards theology but he was unhappy with the dogmatism of the Presbyterians and the fanatics of the Congregationalists led him towards latitudinarian churchmen (Fraser 1890:16). At this stage he was offered a position in the Irish Church and in answering it he wrote :

Should I put myself into orders, and by the meanness of my abilities grow unworthy of such expectations ... I lose all my former study, and by putting myself into a calling that would not leave me. Were it a profession from which there were any return, you would find me with as great forwardness to embrace your proposals as I now acknowledge them with gratitude. (Quoted in Fraser 1890:17).

He then chose medicine instead. Even a command from the Secretary of State and the suggestions of the then Dean of Christ Church, John Parry did not swerve him from his decision.

Arguably the person who had the most influence over John Locke's thinking was Ashley-Cooper (later Lord Shaftesbury). He had started off in the Royalist Army but switched to the Puritans to protect the protestant faith. His religious sympathies were, according to Cranston, Presbyterian. Cooper as also a believer in toleration and no doubt influenced John Locke's views on the matter. Lord Ashley, as he was then known, was an outstanding politician in the court of Charles the Second. At the age of 34 Locke went to live in the Shaftesbury household in Exeter as Ashley's personal physician. During his time with Shaftesbury he became part of the inner circle. Cranston is convinced that his friendship brought about a change in Locke to a liberal (Ashcraft 1980:433), which is a statement I would agree to as there is a definite shift in Locke's thoughts during this time.

Locke's first exposure to the Huguenots view was during his stay in France in 1675 to 1679 when he discovered that they were not different from Presbyterians or the Church of England. He was again open to the Huguenot influence during his time of political exile in Holland during the years 1675 to 1679. He often participated in discussions with the Huguenot canonist, Justly. During his exile he formed a lasting friendship with Philip von Limborch, a liberal theologian and Remonstrant professor of theology who enlarged Locke's ideas of religious liberty and liberal theology.

Those who see Locke as a deist, use his rationalism to label him a deist. In fact Alexander (1908:89) cites Locke as the parent of Deism and although Locke must be reckoned on the side of the orthodox, Deists derived their inspiration from him. Chapman (1981:163) points out that Locke is a deist as he "pointed to certain basic values and truths which were self-evident" and quoted the following passage from Locke as proof:

The state of nature has a law of nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions (ST 2:6).

It is true that in Locke's day the Deists and Utilitarians were all striving to rationalize religion by bringing dictates into conformity with reason. Locke found a ready audience for his epistemology when applied to religion. This does not mean that he was directly aligned to any of these sects. Deism however was a religious belief that did not deny God although this was only because it was convenient to have a creator who could create the universe and then leave it to run by itself. Their belief was that it was against God's nature to again intervene in nature. Deists further believed that world is governed by natural moral law and all rewards and punishment will be based on adherence or lack of adherence to the law. These fundamental beliefs of Deists are contrary to Locke's view of God which believed that God took an ongoing interest in his creation. Firstly he deals with those who pleased God before God sent Jesus Christ to earth :



Those therefore who pleased God, and were accepted by him before the coming of Christ, did it only by believing the promises and relying on the goodness of God as far as he had revealed it to them. (RC paragraph 229).

Therefore God was active in his creation during Old Testament times which is further borne out by Locke when he deals with David being made the King of Israel :

And when God resolved to transfer the government to David...(ST 8:109).

God's involvement with his creation did not stop at the Old Testament. He then sent his Son to earth to play a pivotal role in humankind :

He (Jesus Christ) was sent by God; His miracles shew it; and the authority of God in his precepts cannot be questioned. RC paragraph 242).

His writings confirm that God is no absentee creator who has lost interest in his creation and left it in the control of natural laws. Locke firmly believed that God still takes an active interest in humankind :

I desire those who tell us, that God will not (nay, some go as far as to say, cannot accept) any, who do not believe every article of their particular creeds and systems, to consider, why God, out of his infinite mercy, cannot as well justify man now, for believing Jesus of Nazareth to be the promised Messiah (RC paragraph 229).

While the writings of Locke may have made him a parent of Deism, those who adhered to Deism ignored the faith that Locke combined with his reasoning. Therefore taking into account all his writings, it is not possible to claim Locke as a Deist.

Another 'ism' that could be attributed to Locke is that of Rationalism which flourished in Europe in the 18th Century. This was the belief that only human reason and not God's revelation was the final arbitrator of mankind's affairs. Despite some scholar's claim that Locke was a Rationalist such as Meyer (1973:239), I can use the same references as I did for Deism to show that Locke was not supportive of such a belief. Another fundamental difference is in his epistemology. Rationalists



believed that the mind had stamped on it from birth certain primary self-evident notions. As we have already discovered, Locke most categorically rejects that.

One party that Locke categorically denied belonging to was the Unitarian. In 1698 Locke, in response to claims that he was a Unitarian, wrote:

(He) would ultimately be found of no party but that of truth, for which there is required nothing but the conceiving truth in the love of it. I matter not much of what party any one shall denominate. (as Quoted in McClachlan 1941:78)

In which denomination to categorise him is another matter. There seems to be a case for Anglicanism based on his general outlook and background yet Brehier(1966:269) in his book on the "History of philosophy", stated "Locke struggled all his life against the Anglican Theocracy" although I have found little evidence of this in my research and the parish records of High Laver indicate that Locke normally worshipped there. Calvinists on the other hand claim that from Locke's frequent use of Calvinist writers such as Hooker, Bilson, Milton, Hunton, Ainsworth and Selden in his own writings, he was in fact a Calvinist. They further bolster their arguments from his writings which clearly reflect Calvin influence in such premises as absolute sovereignty of God and sole authority of Scripture. He also epitomized the 5 points of political Calvinism i.e.. fundamental law, natural rights, contract and consent of people, popular sovereignty and resistance to tyranny through responsible representatives. Some, including Locke's contemporary John Edwards, even accused him of being a Socinian, an obscure heresy prevalent in Locke's day. Even as recently as 1960 Richard Cox claimed that Locke was a heterodox, probably Socinian.

One of the basic elements of Socinianism was the denial of the Trinity and the divine Incarnation. Edwards was able to use Locke's Reasonableness of Christianity as a proof of his Socinianism because in that work Locke denies the doctrine of original sin and is silent on Christ's satisfaction and atonement. However Locke himself repudiated this claim as he only followed Christ :

A Christian I am sure I am because I believe Jesus to be the Messiah, the King and saviour sent by God and, as a subject of his kingdom, I take the rule of faith and life from his will, declared and left upon record in the inspired writings of the apostles and evangelists in the New testament, which I endeavour, to the utmost of my power, as is my duty, to understand in their true sense and meaning (A Second Vindication of the reasonableness of Christianity pages 281-2).

Von Leyden claims that even before the restoration, Locke was detaching himself from Calvinism and becoming attracted to the teachings of Anglican Churchmen. This was not difficult as Anglicans and Calvinists agreed on many points. In Locke's earlier writing days from 1660 to 1663 von Leyden points out that the Anglican, Bishop Robert Sanderson, was one of Locke's greatest influences. However, in this investigation it is of no matter as the critical aspects do not revolve around name tags he can be attributed with but with the doctrines he held as truth.

With that background it is now necessary to evaluate what John Locke believed as being the truth. Locke considered the truths of scripture to be easy to see and understand so that even labourers and the opposite sex could comprehend. Yet he conceded that it was the more elite that would be able to interpret its real wisdom and in fact Locke introduced a more critical interpretation.

Firstly he believed in God. Using the arguments of experience Locke concluded that God exists. Our awareness of ourselves is a simple but sure element in experience and from this Locke deducts that there is a God. The following clearly indicates his belief:

Though God has given us no innate ideas of himself; though he has stamped no original characters on our minds, wherein we may read his being; yet, having furnished us with those faculties our minds are endowed with, he hath not left himself without witness....To show therefore that we are capable of knowing, i.e., being certain that there is a God, and how we may come by this certainty, I think we need go no further than ourselves and that undoubted knowledge we have of our own existence (ECHU Book 4 chap 10 sec 1).

Secondly he believed that because of Adam's sin, all mankind had fallen and the result was that all of mankind would die :

the doctrine of the gospel is, that death came to all men by Adam's sin (RC paragraph 3).

In the same work he again supports his view :

As Adam was turned out of Paradise, so all his posterity were born out of it.... in a state of mortality, void of the tranquillity and bliss of paradise. (RC paragraph 6)

It is important to note that Locke refers to spiritual death as a result of Adam's sin. Physical death results from the original law of nature.

Thirdly, although he believed that mankind had fallen , he did not accept the concept of original sin which is the hereditary tendency to sin.

If by death threatened to Adam were meant the corruption of human nature in his posterity, 'tis strange that the New Testament should not anywhere take notice of it, and tell us, that corruption seized on all because of Adam's transgression as well as it tells us so of death. But as I remember, every one's sin is charged upon himself only" (RC paragraph 4).

That he would reject the concept of Original Sin is obvious from his epistemology. According to Locke, God has given us no innate ideas of himself and he has not stamped any original characters on our minds. If we continue with Locke's theory of being born with a clean slate we come up against the fact that mankind, at birth, has no concept of God and no conscience. The idea that mankind is born with a clean slate is a rejection of the idea that man is born in sin. Locke therefore was repudiating the commonly held belief of his day which had its beginnings in 397 AD. It was St. Augustine who claimed that all of mankind sinned in Adam and are therefore guilty and all including infants are biased toward sin although Ambrose who died in AD 397, had previously written that he had fallen with Adam and was as guilty as Adam. Locke clearly disputed these interpretations and follows the doctrine of innocence first propounded by Pelagius in 409 AD. This doctrine says that mankind

is born innocent, free from any corrupt tendencies and each individual will only be punished for the sin they commit:

How doth it consist with the justness and goodness of God, that the posterity of Adam should suffer for his sins; the innocent be punished for the guilty? ... Though all die in Adam yet none are truly punished, but for their own deeds (RC a paragraph 6).

I disagree with Locke and support my difference with a quote from Reinhold Niebuhr who wrote in his book Intellectual autobiography, that the estimate (that mankind is born in sin) is supported by overwhelming evidence taken both from a sober observation of human behaviour and from introspective analysis.

Locke also believed the only way to salvation is through belief in the death and resurrection of Jesus Christ as borne out by the following :

"For", says St. Paul, Romans iii, 9, 23, "We have proved that both Jews and Gentiles, that they all under sin: For all have sinned and come short of the glory of God" (RC paragraph 19).

And further on in the same book he writes :

"We are now required to believe to obtain eternal life, is plainly set down in the gospel, St. John tells us, John iii. 36, "He that believeth on the son, hath eternal life; and he that believeth not the Son, shall not see life." (RC paragraph 26).

Finally Locke also believes in the obligation to obey God. Gauthier identifies three aspects of this obligation in the following two passages :

That God has given a rule whereby men should govern themselves, I think there is nobody so brutish as to deny. He has a right to do it; we are his creatures. He has goodness and wisdom to direct our actions to that which is best; and he has power to enforce it by rewards and punishments, of infinite weight and duration, in another life; for nobody can take us out of his hands (ECHU Book 2 chap 28 sec 8).

And in another work identifies the second aspect:

The state of nature has a law of nature to govern it, which obliges everyone; And reason which is that law teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, linearity or possessions. For men being all workmanship of one Omnipotent and infinitely wise maker; All servants of one sovereign master, sent into the world by his order and about his business, they are his property, whose workmanship they are, made to last during his, not one anothers pleasure (ST sec 6).

Firstly we see God's power and omnipotence as a basis for the enforcement of the law of nature which is God's law. Mankind is not a law unto itself but subject to God's law and this compels obedience. Secondly God's wisdom directs us to what is best. Thirdly our obligation to obey God derives from God's right over his creation. We are his workmanship and his property.

This then is the viewpoint from which Locke wrote his political philosophy.

An important part of Locke's Anglican Orthodoxy is his attempt to see political power as opposed to other forms of power. He attempts to define boundaries between the political sphere, the religious sphere and the family sphere.

"I esteem it above all things necessary to distinguish exactly the business of civil government from that of religion and to settle the bounds that lie between the one and the other" (Letter pages 350/351).

Unlike Hobbes or Filmer whose political doctrine is simply a secularized version of the prevalent Anglican theory, Locke set out to destroy the current Anglican theory of politics and persuade his political audience to resist the crown, although in all three cases their theories were based on the necessity of individual epistemological autonomy. The dominant Anglican theory and by far the most widely believed theory of

political obligation was outlined in an explicit attack on Locke's theory by Charles Leslie in 1703, although the official Anglican theory of 1688 was prevalent throughout the eighteenth century .

In the Two Treatise, human political arrangements derive their legitimacy from God's expression of God's purposes for mankind. As this thesis emphasises Locke's reliance on his religious beliefs in formulating his political ideas it is important to note his view on government and church. Many of Locke's thoughts on Church/State relations are to be found in his commonplace book under various headings and show us that during 1661 Locke was giving a great deal of thought to the nature of the church and the power of the state although by 1659 Locke had already formulated his attitude to toleration. Firstly it should be noted that Locke never stretched his toleration to Roman Catholics because they owe their allegiance to a foreign ruler who caused monarchs to lose their crown if he chose to excommunicate them. Locke also classed them as atheists. Hence to Locke the question was a political one. It was not a question of the freedom of conscience or intellectual freedom but it related to the extent of civil power over religious affairs.

Locke's theory of toleration is based on his theory of the nature of society and government. If man could live peacefully together without uniting in a social contract, there would be no need for government or politics. Notwithstanding the above, Locke saw religious freedom as separate from secular freedom. No person can impose his personal interpretation of Christianity on another. Because churches are voluntary associations no church has the right to persecute although they may as a last resort excommunicate a member provided they do not take away any possessions. Finally, toleration must be shown in allowing preaching and the expression of opinions about the church. He also points out that the state cannot punish men for the sins of covetousness, uncharitableness and idleness, for example.

John Locke established the theological but autonomous rights of all men in the conduct of politics. Locke saw mankind's general political duty as one of conscientious subservience as well as it's aptness for



fulfilling God's purpose. God created the whole universe and it is his world and he has established the relationships of the parts to the whole. The world belongs to God and he alone has sole authority over it. It is he who constitutes the order of law which instructs all of mankind in their duty.

Locke agreed that the supreme legislative power (magistrate) of a community had no power to touch that which was required for the worship of God. Political power which is used to confine individual behaviour which does not threaten peace, is the misuse of power (Dunn 1969:32). This view deviates from the thoughts of Hooker, Hobbes and Spinoza, all of whom insist on the supremacy of political authority over any ecclesiastical authority although they accepted freedom for the Christian conscience. For them any threat to religious liberty did not come from the state but from religious fanatics.

Under a heading *Ecclesia*, Locke draws a number of conclusions regarding the separation of the Church's power from that of the political sphere. Locke clearly outlines the fact that a government, or indeed any secular power, has no right to compel any man to belong to a church. Joining a church is man's own decision and is a private affair of the individual conscience. A decision which will be borne out of mankind's desire to publicly worship God. A church does not originate from mankind trying to be sociable. The need to be sociable can be satisfied by other associations in society.

Similarly no power can force a ceremony on the church. According to Locke, the actions of a church must be in accordance with the will of God and not subjected to the sinful wishes of mankind, although the state can intervene when the actions of a church threaten the peace. But only then.

Locke also outlines his thoughts on the Church's role in society and its right to interfere with the State which all contributed toward his *Theopolity*.



As we have already seen, the manner of worship of God, its time or place, opinions on religious matters such as the Trinity, etc. are no concern of the state or society. It follows that the church cannot dictate to the state on any views it may hold on these aspects of religion, assuming of course that the state is not interfering. By the same token the church, although it may remove members, has no jurisdiction over anyone who is not a member.

Mankind will also have views and take action on matters which on their own are neither good nor bad but concern society and men's relationships with each other. Mankind may continue provided that he does not disturb the state or is not of more harm than good for the community. The state then has a right to prevent the action from taking place and may prohibit publication of the opinions. The state, however, may not impose with a greater restraint than necessary. This applies to the church as an institution as well as to mankind.

There are moral vices and virtues which are either good or bad in nature and directly concern society. The state is not the keeper of moral virtues or vices. They are merely subservient to the good and preservation of humankind. There will be men who find the restrictions imposed by the state to be in conflict with their conscience. Locke thinks that such men must follow their conscience as far as they can without violence and at the same time accept the penalty inflicted upon them for breaking the law. By doing this they will purchase heaven for himself and peace for his land though at the cost of estate, liberty or even life itself. This of course is fully applicable to the church.

From the above we note that there can be no such thing as a state church as this is a contradiction in terms. The state is in principle legally neutral on the question of belief but Locke assumes that there is consensus on moral rules necessary for the preservation of society as determined by rational men.

### 3.3 POLITICS

As stated in the second chapter, it is important for a understanding of Locke's political writings that we realise that in Locke's time political issues and religious issues were linked. For example there was the English Civil war and later the King James the Second crises. The previous chapter explored Locke's religious beliefs. Based on those beliefs, this chapter shows that with Liberalism, Locke argued for a new political dispensation and which would thereby put an end to wars of religion. The very real influence that Locke had, has earned him the honour of being called the father of Liberalism.

Liberalism is a very loose term. It is a type of "secular-religion which encloses the individual as a whole. It is the belief in man as a creator and as the master of his own world" (Merkyl 1972:119), or as Alabaster puts it "the belief in the value of liberty of the individual" (Alabaster 1984:11), or as Bullock and Maurice claim " the belief in freedom and the belief in conscience as the twin foundations of liberal philosophy" (As quoted in Alabaster 1984:11). Generally liberalism means a body of modern political doctrine while a liberal is usually a person who has a cultural allegiance and not necessarily of politics as such. Dunn has suggested that liberalism has its basic political value as a dislike of authority while a liberal has the value of toleration (Dunn 1979:28). The word liberalism is derived from the Latin word meaning free. Although liberal thought is found in the Magna Carta of 1215, the word did not enter the English language until the nineteenth century when it was taken over from the Spanish political party, the Liberales.

The beginnings of liberalism are found among the ancients, especially the Greeks of whom the Sophists were the most notable. The Sophist rhetorician, Alcidamas, claimed " The Gods made all men free; nature made none a slave" (as quoted in Gray 1986:2). Karl Popper and Eric Havelock argue that the conflict between Plato and the Athenian democrats was the same as the differences between totalitarianism and liberals today. The

concept of liberalism can be found in the writings of Socrates (470-399 BC) whose attitude to life was one of scepticism, experimenting and being rational and free. Aristotle's ethics had basic natural human rights which all have on the basis that they belong to the family of mankind. Perhaps of all the Greeks, it is Pericles who can be seen as the father of Liberalism as we see in his writings : "The laws afford equal justice to all alike in their private disputes, but we do not ignore the claims of excellence ... The freedom we enjoy extends also to ordinary life; we are not suspicious of one another, and so not nag our neighbour if he chooses to go his own way ... But this freedom does not make us lawless. We are taught to respect the magistrates and the laws and never forget that we must protect the injured ... We are free to live exactly as we please, and yet, we are always ready to face any danger " (as quoted in Gray 1986:3).

The Romans also had elements of liberalism evident in their society. For instance, Marcus Tillius Cicero (106-43 BC) taught that man obeys the law in order to be free. This caused F.A. Hayek to claim Cicero as the main authority for modern liberalism (Gray 1986:4). In medieval times there was the voice of Peter Abelard (1079-1142) keeping the liberal tradition alive. He was a theologian who refused to abide by the authority of the Church Fathers. He introduced arguments which resulted in Christianity being doubted which in turn allowed independent thinking. But the spread of Christianity brought about intolerance, resulting in an end to free enquiry and freedom. This was particularly true under the rule of Justinian and Constantine. During the Renaissance of the 14th to 16th Centuries a liberal world view began to emerge and was found to be quite compatible with religious orthodoxy of the day.

Although modern liberalism is considered to have stemmed from the philosophers of the seventeenth and eighteenth centuries during the age of enlightenment or Reason, its roots can be found in the Renaissance. During this period thought moved away from the spiritual world to the temporal world and focused on the person as an individual. The Netherlander, Desiderius Erasmus (1465-1536) was a Christian humanist in the Renaissance period. As a pioneer of the liberal way of thinking, he

proclaimed that Christianity had nothing to fear from the new questioning that was emerging and strongly rejected the dogma of Luther. Erasmus insisted in the spirit of the law and not the commas and semicolons. To him religion was a code of ethics and not a form of government.

The movement from the spiritual to the temporal continued in the Protestant reformation when Christianity moved toward individualism. Finally the Scientific revolution revealed the world to be run by natural laws. It was this scientific revolution that became the model for liberalism. The key exponent of liberalism during this period was Locke who built his epistemology on another pioneer in the liberal way of thinking, Rene Descartes.

While liberalism can be identified from Locke onwards, the strain of thought that led up to this can be seen in the attitude of live and let live. In one word this is tolerance. Tolerance is the conflict between the safety of the group and the degree of individual liberty. In particular religious freedom was taught before Locke wrote his quintessential work on toleration. One such teacher was Giordano Bruno (1549-1600) who said that the state has no right to tell people what to believe nor could it punish those who do not hold accepted dogmas. This teaching eventually led to his death at the stake at the hands of the Inquisition. Liberalism in Locke can be detected in his attitude to tolerance.

Liberalism also led to the re-examination of the theories of state. New ideas on the state, its origin, functions and power were the inspirations for Locke in the development of his Theopolity. The word liberalism usually conjures up the idea of constitutional government, democracy and responsibility of governments to the citizens they rule. The core of liberal thinking is the commitment to freedom and rights. Also central to the ideology of liberalism is the stress on the rule of law and the ability of the citizens to have some form of control over their government.

Liberalism, as a political doctrine, has lost much of its distinctiveness largely due to Modern Liberalism moving closer to other ideologies such as Socialism and Radical Democracy which also share similar ideas on the role of the state, for example. This has led to the popular concept of Liberalism being a doctrine somewhere between Conservatism and socialism. Hence it is opposed to radicalism and in favour of reform. It is the nearest equivalent to the layman's conception of democracy which contrasts with communism and fascism. It seeks to preserve suffrage, representative assemblies, government responsibility and an obligation to adhere to the principles of political morality.

The underlying attitude of Liberalism is that mankind is basically good. Hidden below the accidental attributes of nationality, social position, or race is an essential humanity which makes men everywhere alike. It therefore concerns itself with freeing the individual from restraints imposed on him by entrenched class distinction or discrimination on the basis of ethnic origin or sex. It is not a specific programme for a particular situation in any given country, but rather embraces the entire life of the individual, the family, the State, for example. In other words it tends to hold that mankind is the master of its own fate.

While it is impossible to single out a theoretical position, we can identify a number of fundamental elements. Firstly there is a belief in the supreme value of the individual, his freedom and his rights. The importance of the individual as opposed to society and its institutions can be expressed in term of rights - both natural rights or the rights of mankind (human rights). Liberalism acknowledges the moral worth, the absolute value and the essential dignity of the individual. Each person is to treated as an end in himself and not as a pawn in the game of others. For the liberal, the freedom and welfare of the individual depends on clear and enforced legal relationships between the members of the society.

This first element is closely linked with the second element of Individualism which is a combination of liberal doctrine with a metaphysical grounding. The outlook of liberal Individualism is ascribed

to Locke which says that the individual human person and his needs are more important than society or the state. Liberalism is said to be a type of individualism which tries to understand the society, state and economy as the sum of the actions of individuals. I prefer the description that sees individualism as a capacity and willingness to claim your rights and freedom while respecting the dignity, rights and freedom of others. The third element is a belief in individual rights from nature which must be protected by the government of the day.

Recognition of the supreme value of freedom or liberty is the fourth element. It is this recognition that sets liberalism aside from other political doctrines. Freedom can only be limited to grant freedom to all citizens. Individual freedom is a personal freedom to believe what he chooses, express those beliefs publicly and then act on them. His freedom is restricted in as far as such rights are compatible with others who have the same rights and they must be within the law. Everyone has the right to live, think and believe as he wishes providing it does not prevent or hinder others from exercising the same rights. Allied to the freedom of the individual is the right of association. An individual has the right to join any group such as political, social, economic, for example. with the idea of advancing the interests of the members.

The fifth element is in the area of freedom. For philosophers in the 17th to 19th Centuries freedom meant the absence of external control and restraint on the behaviour of others. As Locke wrote :

Liberty is to be free from restraint and violence from others (ST chap 4 sec 23).

It is, therefore, an anthropocentric rather than theological view of mankind. In other words it tends to see mankind as the centre of the universe and not God.

The sixth element of liberalism is one of the hallmarks and that is the stamp of toleration in matters of morality and religion. Tolerance is the duty of the state, society and individual. They are obliged to allow and not interfere with the beliefs and actions of others especially



where they disagree. Provided they do not infringe on the rights of others they must be able to act and believe as they will. Toleration does not mean a lack of interest but in actual fact requires effort and even self discipline. Locke's epistemological scepticism forms the foundation of his views on toleration especially political toleration. However Locke's toleration was a religious right. Religious liberalism was initially the cry by Calvinists, Huguenots, for example. for freedom under Catholic rule, while in Locke's Britain, it was the non-conformists against the established church. Since then toleration in the religious sphere has focused on Church/State relations.

The seventh element of equality is a fundamental liberal principle. While it does not mean that all have equal abilities, it does mean that all are equal before the law. No law should allow certain privileges only on some. All social relations including political relations must be based on a mutual and free consent of equally sovereign individuals.

Reason is strongly linked with the right to believe and express whatever you want. Mankind is basically a rational creature. Liberal in general believe that objective truth can be discovered through reason. What cannot be accepted by reason must be rejected. Locke claimed :

The word reason in the English language has different significations: sometimes it is taken for true and clear principle, sometimes for clear and fair deductions from those principles; and sometimes for the cause and particularly the final cause. (ECHU chap 17 sec 1 Quoted in Germino 1972:123)

Constitutionalism and rule of law must be basic to the government. This is the tenth element. Even though human laws are based on natural law, they are formulated by the rulers and this means that there must be some restrictions on the law makers. This restriction is the constitution. The whole concept of the government is to uphold the liberty, equality and security of each and every citizen. These elements will place a limit on the power of the government and this will ensure that the rights of the individual are protected. A liberal government has limited objectives such as the preservation of the lives and property of the society's members. It ensures freedom from the hazards and uncertainties



of the state and oppression of absolute dominion. Liberalism is the foundation of modern democracy although Locke's liberalism is not identical with democracy.

Although Classical Liberalism is very diffuse, the Classical Liberalism put forward by Locke was a vision of men independent, private and competitive for the pursuit of their own interests. Classical Liberalism expresses the political theory of limited government. The parameters of any Government is the accountability of human liberties and rights. These human liberties and rights exist independently of the government and it is the government that is to protect this inherent right. Locke's' version of liberalism had its origins in Britain where various groups within its society were working during the 17th Century to free themselves from the restrictions of their society. Each group stood to gain from limited government which guaranteed certain freedoms.

Although the differences between Classical Liberalism and Modern Liberalism are often blurred we find that Classical Liberalism opposes government aid, restraints and intervention while Modern Liberalism regards government intervention as providing opportunities which result in liberty. Further, Classical Liberalism rests on the assumption that there are natural rights and natural laws such as moral, political, economic and social. Modern Liberalism on the other hand is more empirical and pragmatic in arriving at its conclusions.

In this thesis, however, I do not use the word Liberalism in its narrow sense which refers only to political doctrine but rather in the sense that it refers to breadth of mind. It is an approach to a way of thinking which encourages free thinking and enquiry and is not tied to historical dogma.

#### 4. THE ORIGINS, NATURE AND COROLLARY OF RIGHTS

##### 4.1 THE STATE OF NATURE

Locke's Theopolity follows five distinct stages as mankind moves from an original state to a political society.

- (1) There is the natural state or State of Nature which is governed by Natural Laws which give rise to Natural Rights
- (2) Enters into a compact known as the Social Contract to establish a civil society
- (3) Elects a government to protect natural rights and pass laws to extend these rights to human rights
- (4) Adults join the existing society thereby allowing Government by consent.
- (5) Opposes or revolts against a government which fails to keep it's mandate.

All these steps will be dealt with in the next couple of chapters. To understand rights it is essential to grasp these stages in Locke's political theory.

The starting point of John Locke's political theory is his concept of a state of nature which he believed was instituted by the creator ;

we must consider what estate all men are naturally in  
(ST chap 2 sec 4).

Locke is saying that because we are naturally in this state of nature, God must have set mankind in this state. The state of nature in its simplest terms can be expressed as civil society minus government. Not

only is it the starting point, but it clearly occupies an important position in Locke's political philosophy. His fundamental belief is that mankind is rational by nature :

To understand political power aright and derive it from its original, we must consider what estate all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or depending upon the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another. (ST chap 2 sec 4).

Locke's concept of the condition of mankind before the establishment of political institutions was very similar to the Stoic conception of the Golden Age. According to the Stoic teaching, which flourished for 500 years from 300 BC onwards, the ideal perfect society had once existed and it was a standard from which to assess current societies. In this perfect society, known as the golden age, all of mankind was equal :

We can equate with our law that moral good or virtue which philosophers in former times (and among them especially the Stoics) have searched for with so much zeal and adorned with so many praises (ELN 1:109).

Besides Hooker who Locke's quotes in chapter two in his Second Treatise, influences on Locke's thinking on the State of Nature can also be traced to the Cambridge Platonists in England and Grotius and Pufendorf on the Continent. But obviously he did not agree with all the views put forward. Hobbes had held that the state of nature was because of competition among men, the state of nature was anarchy and violence. Locke on the other hand wrote :

The state of nature ... as a state of peace, goodwill, mutual assistance, and preservation (ST chap 4 sec 19).

Locke's standpoint was a contradiction of Hobbes' claim that antagonism was the supreme force between men. Locke picked up the humanistic thread, thus diverging from the intolerance of Thomas Hobbes in his book

Leviathan, published in 1651, and Calvinism. However it should not be assumed that Locke considered all of mankind to be inherently good, as a closer reading reveals that :

it is unreasonable for men to be judges in their own cases, that self love will make men partial to themselves and their friends; and on the other side ill-nature, passion and revenge will carry them too far in punishing others. (ST chap 2 sec 13)

He continues later in the same book :

Yet men being biased by their interest as well as ignorant for want of study of it are not apt to allow of it as a law binding (ST chap 9 sec 124).

Locke here clearly shows that mankind has a bias toward self love which is one of the sins that Biblical texts talk about. Here I found my first problem with Locke in his theory of the state of nature. He rejects the concept of original sin because it contradicts his own theory of tabula rasa. As we have already seen previously, Locke believed that death, not guilt or the necessity of sinning, came by all in the fall.

Despite his rejection of the fall of mankind as a reason for punishment, in the section quoted above he admits mankind has an inherent bias. This bias is again supported by the following :

if left to their full swing, they would carry men to the overturning of all morality. Moral laws are set as a curb and restraint to these exorbitant desires (ECHU Book 1 Chap 2 sec 13).

This passage again shows the bias of mankind to follow his own desires irrespective of the consequence to others. Locke then accepts that all of mankind are capable of setting rules upon themselves which means that mankind is able to govern himself in the state of nature. He gives an example :

Promises and bargain...between a Swiss or an Indian in the woods of America are binding to them though they are perfectly in a state of nature in reference to one another. (ST chap 2 sec 14).

Locke believed that mankind is not by nature lawless but is subject to obligations which he is inclined to respect. To me this suggests that Locke was using some of the thoughts put forward by Pelagius in the early fifth century. Pelagius believed that mankind is able to himself choose between good and evil as he wills. There is no hereditary sin and all of mankind was born in the same moral condition as Adam before the fall. A logical conclusion based on these thoughts would be that mankind can govern itself, which Locke would agree with, although Locke also introduces the question of the natural bias toward good. While this may seem an enigma, part of the answer may lie in Aarsleff's ascertaining that mankind has mixed desires guided by reason to happiness (Volton 1969:102). Despite this probable answer there is nevertheless this unexplained bias. Who taught mankind this inherent bias? Locke is silent.

My second problem is the concept that the state of nature is a state of mankind without civil order. The individual in Locke's state of nature is supposed to exist away from society, yet Locke writes :

The state of nature has a law of nature to govern it, which obliges everyone to, and reason to which is that law, teaches all mankind who will but consult it that being all equal and independent no one ought to harm another in his life, health, liberty, or possession. (ST chap 2 sec 6).

Therefore the State of nature is a situation where all are equal and no one person needs to interfere with another. Locke expands on this when he states :

A state also of equality wherein all the power and jurisdiction is reciprocal, no one having more than another... and the use of the same facilities should also be equal one amongst another (ST chap 2 sec 4).

Now surely if the individual's rights are limited by a consideration for others then the individual is in some sort of society. This concept is further bolstered by the fact that Locke sees in the state of nature, people working, gathering food, sowing and reaping, hiring servants, creating and using tools, for example. Society is generally perceived

to be a group of individuals who associate in a relationship of mutual benefit and it is quite clear that Locke sees the state of nature as a mutually beneficial situation. In apparent contradiction Locke says :

men are naturally in, and that is, a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit within the bounds of the law of nature without asking leave or depending upon the will of any other man (ST chap 2 sec 4).

Nevertheless it is clear that there has to be co-operation between individuals or else a state of chaos as envisaged by Hobbes would result. This contradiction by Locke can be rationalised by accepting that Locke explains the origin of political authority by conceiving a state of nature which is pre-political rather than a pre-social condition. In the state of nature, social relations bind person to person and this relation is moral not political.

As the quotes from section 4 of Chapter 2 indicate, the study of science influenced Locke to maintain that mankind's actions are regulated by the necessity to obey reason which was the law of nature even before social restraints were put on him. Through the exercise of reason, individuals are able to know what God wills them. As rational creatures of God, each person is equal with each other, equal in their entitlements and equal in duties. It is in this equality of right and duty that humans confront each other in this State of Nature. Locke emphasized that in the state of nature mankind is governed by the law of nature.

The state of nature has a law of nature to govern it which obliges everyone and reason which is that law, teaches all mankind who will but consult it, that being equal and independent no one ought to harm another in his life, health or liberty or possessions; for men being all the workmanship of one omnipotent and infinitely wise maker. (ST chap 2 sec 6).

My third problem with Locke is his treatment of the state of nature as a historic reality which could be found, even in his time, existing in the wilds of America. This illustration, could have been derived from some travellers account of primitive society. Locke read such books

with enthusiasm and they were often traditional starting point for political philosophers. However, a commercial economy without civil society is improbable according to McPherson (1979:209). Further there is no historical evidence of men living in individual isolation in primitive times. Locke himself confesses :

History gives us but a very little account of men that lived together in a state of nature (ST 101).

Ebenstein in his book "Political Thought" and Sabine in his book "History of Political Theory" both consider the state of nature to be logical fiction which I agree with because it does not seem possible that mankind could have lived in such a state no matter how logical it may appear. So what was Locke trying to prove, or did he really believe in such a state? For me this vexing question is answered if we see this improbable suggestion's main function in his thoughts as an analytical device to reveal the essence of government by showing an existence without government.

One notable characteristic in the state of nature is that there are no scarcities of resources and Locke imagines that most individuals would be nomadic thus the little ownership of land that takes place will not impinge upon any other persons right of ownership :

And thus considering the plenty of natural provisions....the industry of one man could extend itself and engross in to the prejudice of other; especially keeping within the bounds set by reasons of what might serve for his use ; there could be little room for quarrels or contentions about property so established. (ST chap 5 sec 31).

Section 4 of book two in Locke's Two Treatises of Government, which I quoted earlier in this chapter, also shows that in the state of nature no one has greater authority than any one else. Locke has written further, that no one has arbitrary power over liberty or possessions of another. Therefore there is no overall authority to punish a person who attacks or endangers the property of another. In such a case any one has the right to restrain the offender but only the person who owned the property has the right to claim reparation. The concept of reparation and punishment



is only to restore things as near as possible to what they were before the crime. Violent men who ignore the law of nature and make war on the righteous may be destroyed like beasts of prey as they are not under the ties of the common law of reason.

A state of war occurs when a person violates the basic rights of another so that his property is at risk. :

The state of war is a state of enmity and destruction; ... it being reasonable that and just that I should have the right to destroy that which threatens me with destruction; for by the fundamental law of nature man being preserved, the safety of the innocent is to be preferred and one may destroy a man who makes war upon me. (ST chap 3, sec 16)

The war will continue until the aggrieved party is satisfied and no further violations are likely to take place. Although this seems similar to Hobbes, Locke is at pains to differentiate between the state of nature and the state of war. Although Locke and Hobbes agree that man originally lived in the state of nature, Hobbes claims that Government is instituted to escape from the state of war while Locke maintains that government is instituted to prevent war. Despite his freedom, mankind is continually exposed to the danger of invasion :

If man in the state of nature be so free as has been said; if he be absolute Lord of his own person and possessions, equal to the greatest and subject to no body... the enjoyment of the property he has in this state is very unsafe very insecure. (ST chap 9 sec 123).

Macpherson claims that this section is contradictory as on the one hand the state of nature is sometimes actually in a state of war which are meant to be the antithesis of each other. In other words sometimes the state of nature is the opposite of the state of a war and sometimes it is identical. I do not agree with this interpretation. When the state of nature is under invasion it does become a state of war. In other words the state of nature can change to its opposite for a period of time but will eventually return to its original state of nature. Aarsleff on the other hand tends to think that the state of nature applies to both a

state of peace and a state of war (Yolton 1969:101). This state of war is, however, a constant threat due to the degenerate bias of mankind. To overcome this threat he enters into the social contract.

It appears that a state of nature does not last very long before mankind enters into the social contract we have mentioned :

Government is hardly avoided amongst men that live together (ST chap 11 sec 103).

Locke puts it even more strongly when he suggests that mankind is quickly driven into society :

Thus all mankind, notwithstanding all the privileges of the state of nature, being in an ill condition while they remain in it are quickly driven into society. Hence it comes to pass that we seldom find any number of men live any time together in this state (ST sec 127).

Nevertheless a state of war can still occur under a government. If a government invades the rights of the people and the judiciary is biased, then a state of war exists between the ruling regime and it's subjects ... despite the Social Contract.

#### 4.2 NATURAL LAWS

The Law of Nature which regulates the State of Nature is a key element in this thesis as it is the Law of Nature that gives rise to Natural Rights. In the State of Nature mankind is subject to the Law of Nature. Therefore the law of nature determines the conduct of mankind both inside and outside civil society. Locke in his various writings outlines many of the characteristics of the law and its practical outworking. In this chapter I will restrict myself to the broad principles pertaining to the law of nature which is God's law known to mankind through reason and not by tradition, inscription or consensus as the following five quotes from Locke indicate:

The state of nature has a law of nature to govern it, which obliges everyone. (ST chap 2 sec 6).

For the law of Nature being unwritten and so nowhere to be found but in the minds of men (ST chap 11 sec 136).

For though the law of nature be plain and intelligible to all rational creatures (ST chap 9 sec 124).

The law of nature which is the law of reason (FT chap 9 sec 101).

Since reason does not so much establish and pronounce this law of nature as search for it and discover it as a law enacted by a superior power and implanted in our hearts (ELN p 111).

The concept of the Law of Nature is a cornerstone of Locke's Theopolity and leads to a consolidation of his political philosophy and the foundation of the three natural rights. Dunn (1969:187) claims that Locke originally intended it to be part of his Essay concerning Human Understanding but von Leyden (1954:62-80) comprehensively shows that Locke's Essays on The Law of Nature were really just the starting point for Locke's early drafts of his Essay. Dunn further contends that Locke's thoughts on the Law of Nature ended up as being the premise behind the Two Treatise of Government although in this work he did not investigate the law too closely as chapter 2 section 12 of the Second treatise indicates.

In Locke's Essays on the Law of Nature he proves that the Law of Nature was not as a result of a general consent of man. In the process of discounting the notion of consent, Locke maintains that there are two types of consent. The first is positive consent which can be either express or tacit :

We call positive consent one arises from a contract, either from a tacit contract, ... or from an expressly stated contract (ELN no. 5 page 161).

This concept from his early writings remained intact in his later works :

There is a common distinction of an express and tacit consent (ST chap 9 sec 119).

The second type of consent, according to Locke, is natural consent which is based on natural instinct and can be either moral behaviour, opinions or principles :

Natural Consent, namely one to which men are led by a certain instinct without the intervention of some compact can be of three kinds :

- (1) Concerning morals or actions, that is, the conformity to be found in the moral conduct of mankind and in the practice of social life.
- (2) Concerning opinions to which individuals give assent in various ways, firmly and invariably to some, feeble and unsteadily to others.
- (3) Concerning first principles which are precisely such as to compel any person of sound mind to assent to them readily. (EIN no. 5 p 165)

Locke goes on to prove that the law of nature is not as result of the general consent of mankind. He make references to both Brazil and South Africa to support the above argument :

For example, some nations in Brazil and the inhabitants of Saldanha Bay acknowledge or worship no God at all, as is reported by those who have considered it worth while to go to these places (EIN p 175).

He instead maintains that :

The original and foundation of all Law is dependency. A dependent intelligent being is under the power and direction and dominion of him on whom he depends and must be for the ends appointed him by that superior being. If man were independent he could have no law but his own will no end but himself (Quoted in Tully 1980:36).

In the previous section dealing with the State of Nature it was shown from sec 6 in Locke's Second Treatise that mankind is the workmanship of God. Mankind is therefore dependent on God for power, direction and dominion. The law of nature is therefore from God.

The first step in following Locke's logic is to accept that mankind has the ability to reason. The next step is to accept that mankind is expected to use his God-given power to reason. By reason Locke did not mean the type of reason that works out the truth through argument or deduction, but reason that is a set of moral principles which can become the object of knowledge and the rule of action. This means that he did

not regard reason as the source of knowledge but a vehicle for obtaining that knowledge. Despite Locke's contention that knowledge does not come from tradition, he was happy to accept that true knowledge could be passed on from parent to child.

Locke is clear in his contention that because moral principles (and therefore the law of nature) are reasoned by mankind this does not mean that they are not God's commands (Von Leyden 1954:56). According to Richard Ashcroft, automatic complete knowledge of the law would have meant that the actions of individuals would have been unavoidable and the moral obligation to God, not freely discharged. (Volton 1969:220). Each person is therefore able to understand his responsibility to God. It is clear, however, that God does not force the law of nature on any person nor does he oblige person to use these laws to rule his life. The fact is that it is God who is the binding force of natural law because it is his wisdom that brought about the nature of things including the Law of nature. Does this mean that the law of nature is binding on the people because God commands it and any breach of the law would be morally wrong? Or is it binding because it is reasonable? The real question in my mind is : Does it matter? Possibly it does, but I will return later to this question at the end of this section. For now we need only note the fact that it is binding, but it is not binding on everyone as Locke stated :

For although the law is binding on all those to whom it is given, it does not, however, bind those to whom it is not given, and it is not given to those who are unable to understand (ELN no 7 p 203).

Although some such as Crowe (1977:229) claim Grotius as being the father of the school of natural law , the concept of natural justice can be traced back to the Stoics. They had a law of human reason which was inherited by the Romans who in turn passed it on to the Christian fathers and it became part of the Middle Ages' philosophy. Law of nature had become a solid set of practical rules which meant that any law or judgement given which conflicted with the law of nature was not valid. By Locke's time, however, they were considered to be a set of ethical principles.

Locke's conception of natural law is largely based on this medieval philosophy in that he saw it as a guide to behaviour including the behaviour of governments. Despite the law of nature being a foundation stone of human interaction, Locke maintained that it was unwritten and only found in the minds of men. It was on this foundation stone that mankind could regulate society and develop a legal system. Locke regarded natural law as separate from and antecedent to any commands. This distinction between natural law and laws made by mankind was traced by Locke to Aristotle :

Likewise in Book v Chapter 7, where he draws a distinction between legal justice and natural justice, Aristotle says "A natural rule of justice is one which has the same validity everywhere". Hence it is rightly concluded that there is a law of nature since there is a law which obtains everywhere (ELN 1:113).

Some years after Aristotle, St. Thomas Aquinas identified four laws. It is on the concept of Natural law that I found a major contradiction between Locke's epistemology and his political writings. Locke, as has already been established believed that we are born without innate ideas or knowledge. He confirms that the law of nature is also not innate :

There exists no such imprint of the law of nature in our hearts (ELN no.3 p 137).

The law of nature does not appear to be written in the hearts of men (ELN p 141).

Yet in a quote from his Second Treatise in the opening paragraph of this chapter we read :

Since reason does not so much establish and pronounce this law of nature as search for it and discover it as a law enacted by a superior power and implanted in our hearts (ELN p 111).

Own support and preservation and govern his actions according to the dictators of the law of reason God had implanted in him (ST chap 11 sec 56).

"Implanted in our hearts" is far from "no such imprint of the law of nature". This contradiction, for me, was answered by Locke himself :

There is a great deal of difference between an innate law and a law of nature; between something imprinted on our minds in their very original and something that we being ignorant of may attain to the knowledge of, by the use and due application of natural faculties. And I think they equally forsake the truth running into the contrary extremes, either affirm an innate law or deny that there is a law knowable by the light of nature. (ECHU book 1 chap 3 sec 13)

Natural law cannot be gained solely from experience. Locke does maintain that law of nature can be known through reason. The fact is that the two compliment each other. Experience or sensation provides the ideas of things while reason computes these ideas and sensations to create images or concepts. This leads to knowledge of God and of natural law being God's will.

Parry has highlighted a major dilemma for those who support the concept of Natural law. Either it is so widespread that it becomes empty or it is confined to a certain era and social relationships. (Parry 1978:113). I have no problem with the law of nature. Without it there could be no determined value of good or evil. Good or evil would merely be whatever the individual connived it to be. Secondly as already quoted in this section, the whole universe follows set patterns based on God-given laws. Whether we are talking about physical laws such as the law of gravity or ethical laws such as the law of nature, all of God's creation is governed by orderly axioms.

While I agree that there is a Law of Nature I have a major problem with Locke's view that it is only known through Experience and reason (and sometimes taught by parents or teacher). Returning to my problem of reconciling Locke's concept of tabula rasa with the Biblical concept of original sin which I covered in the previous chapter, I disagree that the natural law is not stamped on each person's mind. Locke uses a forceful argument in favour of his case :

How does it come about that human beings ..do not forthwith all to a man agree about it without



hesitating and show readiness to obey it ? For in respect to this law they differ so very widely. (ELN no. 3 p 139)

What Locke is saying that in different societies, good and evil take on different roles. What is considered to be good in one society is considered to be evil in another. Part of the answer is, in my opinion, once again supplied by Locke himself :

I am in no doubt that most persons...build up their morals after the manner and belief of those among whom they happen to be born and educated and that they have no other rule of what is right and good. (ELN no. 2 p 129)

I believe that man is born with the law of God, ie the law of nature, written on his heart. This innate knowledge is, however, molded or suppressed by the environment in which the person is raised. To support my argument I quote from Romans Chapter 2 verses 14 and 15 "The gentiles do not have the Law; but whenever they do by instinct what the Law commands, they are their own law, even though they do not have the law. That conduct shows that what the Law commands is written in their hearts. Their consciences also show that this is true, since their thoughts sometimes accuse them and sometimes defend them". Therefore the law is written in the heart of men but the application is based on what they learn to be right and wrong in their society.

Locke outlines what he considered to be the essential characteristics of the law of nature, but his concepts are coloured by the society and time in which he lived. The basic selfpreservation characteristic of natural law is evident in all societies. It is only the method by which that self preservation is attained that differs.

Locke also asks why youngsters, illiterate people and primitive races do not know or understand the Law of nature. On the contrary I observe that they do know the concepts in the law of nature, only that it is not necessarily in accordance with the version that Locke holds which was formulated in the customs of his day. Locke is bigoted and ignorant when dealing with the customs of primitive and untutored tribes . In his

third Essay on the Laws of Nature, he accuses them of being without piety, merciful feeling, fidelity, chastity and other virtues. He continues to accuse them of living with robberies, thefts, debaucheries and murders. In the fifth essay he cites the case of the socially accepted suicide of a widowed Indian woman, using this as an example that the law of nature cannot be innate as it's principles are not uniform throughout the world. Yet if we look at the suicidal kamakazi pilots of Japan, are we really forced to the conclusion that the average Japanese has a different set of principles pertaining to the law of nature when compared to the average modern day Englishman. I believe not. It is a pity his toleration did not extend beyond the religious realm.

I submit that in the same way that mankind is born in sin with a knowledge of wrong and right, so too he has the law of nature imprinted in his mind ready to be molded by the environment in which the person lives.

Finally to answer the question previously put - Is the law of nature binding? My answer is yes because it's origin is in God who has placed it in our minds so that we may live in an orderly manner just as the universe follows its pattern of behaviour. Since the fall, mankind has inherited the bias of sin yet God has revealed in the Biblical text that it is God's desire that we should live in accordance with his law. God is in a position to demand that because he is all wise and has created everything in the universe :

This obligation seems to derive partly from the divine wisdom of the law maker and partly from the right which the creator has over his creation (EIN no. 6 p 183).

and therefore

God is supreme over everything and has such authority and power over us which we cannot exercise over ourselves and since we owe our body, soul, and life - whatever we are, whatever we have, and even whatever we can be - to him and Him alone (EIN no.6 ibid p 187).

Anyone who understands the nature of God has no option but to obey the Law of Nature :

Who ever sincerely acknowledges any law of God, cannot fail to acknowledge also that it has all the reason and ground that a just and wise law can or ought to have, and will easily persuade himself to forebear raising such questions and scruples about it (Second Reply to the Bishop of Worcester as quoted in Volton 1969:214).

#### 4.3 NATURAL RIGHTS

##### 4.3.1 Nature of Rights

While writers such as John Dunn, Hans Aarleff, Richard Ashcraft, John Volton and others see Locke's theories as being based on natural law, Geraint Parry (1978:12) is of the opinion that it is the concept of natural rights that holds the key. W.T. Jones (1980:208) also considers rights to be the principal feature of Locke's theory. I agree with these conclusions, as this thesis will prove. Locke can claim to be first writer to put forward a theoretical design of the idea of human rights which in his day were being suppressed by excessive government powers.

Locke identified three natural rights of mankind in the the State of Nature, namely life, liberty and property. If there is natural law in the state of nature, as we know there is, then it follows that there will be natural rights in the state of nature. There are these natural rights existing by virtue of the law of nature. Locke in one of his earlier writings, drew a clear distinction between natural law and natural rights :

This law (Law of nature) denoted by these appellations, ought to be distinguished from natural right : for right is grounded in the fact that we have the free use of a thing, whereas law is what enjoins or forbids the doing of a thing. (ELN no. 1 page 111)

If God ordained natural law then it follows that God has given mankind his natural rights.

There have been theories about natural rights dating back to the Stoics and Roman Jurists. In the Hellenistic period which followed the breakdown of the Greek City-States, the Stoics formulated the doctrine of Natural Rights. These Stoics believed that all men irrespective of race, creed or colour were endowed by God with natural rights with which the state could not interfere. Plato and Aristotle grappled with the concept of freedom while Thomas Aquinas took these Greek ideas and molded them into Christian-based natural rights. Britain can look back to the Magna Carta in England in 1215 which ensured religious freedom and a fair trial. This preceded the Bill of Rights of 1689 which subjected the King to parliament.

Building on the thoughts of Locke, Thomas Jefferson secured natural rights in America in 1776. The American Constitution has section 14 which reads "No state shall deprive any person of life, liberty or property without the due process of the law, or deny to any person within its jurisdiction the equal protection of the law." (Kauper 1966:172). In France natural rights were secured in 1789 by the National Assembly when it approved the French Constitution. Natural and Human rights continued to enjoy attention with Emmanuel Kant (1724 to 1804) being one of the most celebrated. His theory was that there was one single basic right which he identified as Inherent Freedom.

The early nineteenth century saw the rise of positivism which led to a decline in the human rights concept. The second part of the twentieth century, however, has seen a change, the pendulum swinging back in favour of human rights theories. In 1948 the Universal Declaration of Human Rights was adopted by the United Nations General Assembly in Paris (with South Africa abstaining among 7 other nations). Among its 30 articles are the first two which recognise entitlement to inalienable rights as expounded by

Locke. This has influenced many countries, among them Nigeria which in 1960 included the right to life and the right to liberty among 11 other rights in its constitution.

In many constitutions today the three basic natural rights can be found especially if the State incorporates a Bill of Rights. A recent example is in the Kwa Zulu Indaba, which is part of the on going search in South Africa for a new constitution. In it's Bill of Rights item 2 is The right to life, item 4 is the Right of Liberty and item 7 is the right of property.

In the state of nature, Locke had shown that one such right is to execute the law of nature. It is on this right that civil society is based. Balanced against this power to execute the law of nature is mankind's right to freedom. Freedom is inseparable from the law because the purpose of all laws is to protect the freedom of the individual. We therefore need laws to protect us from the violence of others.

The purpose of the Social Contract was to promote and extend mankind's natural rights of life, liberty and property. In the new social order mankind does not give up his rights but retains all of them. The Dictionary of Political Thought describes a Bill of Rights as an attempt to formulate a system of natural rights that can be recognised by, and enforced against, particular governments.

According to Locke one natural right may be ceded. That is the right to execute the law. Locke emphasises this thought by postulating that some rights are inalienable. He stresses that nobody has the right over his own life and therefore the right to life cannot be alienated from the individual to the state.

It could be argued, as does Parry, that Locke's views on natural rights must be seen within the narrow character of Christian thought which sees God as the author of all rights. This view is supported by Locke's contention that :

God, the maker of heaven and earth, who is sole proprietor of the whole world, man's proprietary in the creatures is nothing but that "liberty to use them" which God permitted. (FT chap 4 sec 39)

John Stott (1984:144), a modern-day theologian, supports Locke's view in a recent book which states : "The origin of human rights is creation. Mankind has never acquired them. Nor has any government or other authority conferred them. Mankind has had them from the beginning. He received them with his life from the hand of his maker. They are inherent in his creation. They have been bestowed on him by his creator". This is a view which I find supported by Scriptural concepts.

Natural rights are therefore not intrinsic to mankind in the way that reason or personality is, but rights are granted by God so that mankind can fulfil his requirements. This means that God retains a right in everything he has made. However it is important to remember that mankind is estranged from God yet God upholds these rights even after the fall.

I therefore find that Locke's concept of natural rights to be in complete harmony with his theology but it should be noted that the Church plays no role in upholding mankind's natural rights :

Neither the use nor the omission of any ceremony in those religious assemblies does either advantage or prejudice the life, liberty, or estate of any man (LT page 11)

The following sections deal with Locke's natural rights of life, liberty and property in depth.

#### 4.3.2 Life

The first Natural Right that Locke identified was the God given right to life. Locke wrote in his First Treatise :

One of the ordinary appellations of God in scripture is, God our maker, and the Lord our maker (FT chap 5 sec 53).

This theme is continued in his Second treatise :

For men being all the workmanship of one Omnipotent and infinitely wise Maker; All the servants of one Sovereign Master, sent into the world by his order and about his business, they are his property, whose workmanship they are, made to last during his, not one another's' pleasure (ST chap 1 sec 6).

It is very clear that there is a special relationship between God and mankind. But this relationship is based on the fact that mankind is dependent on God for origination of life and for continued existence. :

(God) has not created the world for nothing without purpose. For it is contrary to such great wisdom to work with no fixed aim (ELN page 157).

Arising from this relationship we find mankind's right to preserve life :

Though the earth and all inferior be common to all men, yet every man has a property in his own person. Nobody has the right to but himself. (ST chap 5 sec 27).

Locke distinguished between mankind and person. A right, he claimed, arises from an act. God's right in mankind arises from his act of creation. A person, who Locke describes as :

Person is a Forensick Term appropriating actions and their merit; and so belongs only to intelligent Agents capable of law (ECHU 2.27.26).

A person has two items which he controls. The first is his being and the second is his labour or actions. While mankind did not create the world, he does create the actions of his body and therefore has the makers right over them. So while God has proprietary over his body and limbs, mankind has proprietary over the use of these his body and limbs. This is a key concept in Locke's thoughts on property. Whatever mankind creates or makes, it becomes his property just as mankind became God's property.



Returning to the question of preserving the life of the individual, we find that by so doing, mankind is in fact preserving humankind and society as quoted by Tully (1978:48).

If he finds that God has made him and all other men in a state wherein they cannot subsist without society and has given them judgement to discern what is capable of preserving that society, can he but conclude that he is obliged and that God requires him to follow those rules which conducive to the preserving of society? (Locke's journal entry dated 15 July 1678)

This was further borne out by Locke when referring to freedom in a section dealing with the end of government.

If man in the state of nature be so free as has been said, if he be absolute lord of his own person...(ST chap 9 sec 123)

His thoughts are based on the Christian principle that mankind is the handiwork of God and therefore God has the sole right to end someone's life. This goes back to the Commandment that God gave Moses "Thou shall not kill" (Exodus 20:13) and again in the words of Jesus, "You have heard that it was said to the people long ago 'Do not murder, and anyone who murders will be subject to judgement (Matthew 5:21). This includes the fact that it would not be right to commit suicide which is self murder.

If mankind has property in life and is absolute lord over life it is a logical assumption that the preservation of life would be one of the first duties of mankind. This is supported by Locke :

...for the desire, strong desire, of preserving his life and having been planted in him as a principle of action by God Himself, reason, which was the voice of God in him, could not but teach him and assure him that, pursuing that natural inclination he had to preserve his being (FT chap 9 sec 86).

From the above section we are left in no doubt that to talk of natural rights is to first recognise the right to life. A right

which God has given. Modern day writers claim that from this stems the right to wholeness and totality of mankind, their physical and emotional needs, health, personal dignity, freedom to live their lives to the full and to contribute towards the development of society. Human life is about this wholeness of freedom, justice and peace for all. Locke on the other hand sees that natural rights are the incorporation of the circumstances required to protect and preserve our lives under natural laws given by God.

Locke maintains that life is a basic right of mankind and no one has the arbitrary power to take it away. Locke bases his thoughts on a very different premise to that of modern day writers when he states :

...Though men in that state (of nature) have an uncontrollable liberty to dispose of his person or possessions, yet he has not the liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The state of nature has a law of nature to govern it, which obliges everyone, and reason, which is that law, teaches all mankind who will but consult it, that all equal and independent, no one ought to harm another in his life, health, liberty or possessions; (ST chap 2 sec 6)

Locke continues later in the same work :

...nobody has an absolute arbitrary power over himself, or over any other, to destroy his own life, or take away the life or property of another. A man as has been proved, cannot subject himself to the arbitrary power of another; and having, in the state of nature, no arbitrary power over the life, liberty or possessions of another... (ST chap 11 sec 135)

However, there are instances where life can be taken :

And thus in the state of nature, one man comes by a power over another, but yet no absolute or arbitrary power to use a criminal, when he has got him in his hands, according to the passionate heats or boundless extravagancy of his own will, but only to retribute him so far as calm reason and conscience dictate, what is proportionate to his transgression, which is

so much as may serve for reparation and restraint. For these two are the only reasons why one man may lawfully do harm to another, which is that we call punishment. In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men for their mutual security: .....And in this case, and upon this ground, every man hath a right to punish the offender, and be executioner of the law of nature (ST chap 2 sec 8).

Mankind having right to his own life gives him a freedom from domination by others. This is the primary freedom of which he wrote. Two hundred years before slavery was abolished, Locke was writing that it was not logical that a person would willingly become a slave. It follows, according to Locke that a slave is no longer truly human (Dunn 1969:108).

True freedom is to be free from restraint and violence from others. For this to be a reality, there must be laws. In the state of nature men are equal. They face each other on the same level in that none has the right to restrict the behaviour of the other and therefore a person has the absolute right to be himself. This is of course, provided that the behaviour is within the laws which create the reality of freedom. Yet not everybody agrees with this interpretation. Graham, for instance says that Locke in his book *Essay on the Human Understanding* puts forward the proposition that no government allows absolute liberty (Graham 1911:50) even though freedom should be increased not diminished by laws. It seems that Locke is not in accordance with Bentham who affirms that every law restricts liberty but is more akin to the thoughts of Kant who proposed that laws are there to preserve and enlarge freedom.

Locke argues that no man is born into a condition in which another man has the right to dispose of him at pleasure. No human being is born with rights over another human being (Volton 1969:53).

Flowing from man's right to self-preservation and life we find a secondary right to :

Meat and drink and such things, as nature affords for their substance (ST chap5 sec 25).

#### 4.3.3 Freedom

The second right which he identified was the right to freedom. Freedom is possibly one of the most abused rights today without the concept of freedom being fully understood. In his early years Locke was a right wing royalist and in 1660 wrote :

A general freedom is but a general bondage (as quoted in Jeffreys 1967:22)

Yet in the section dealing with natural laws I quoted the following two sections from Locke which show that by 1673, when he commenced writing his Second Treatise of Government, he had moved towards a more liberal attitude towards freedom :

The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but to have only the law of nature for his rule. The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth (ST Chap 4 sec 22).

Later in the same book, Locke continues that this natural liberty or perfect freedom was to be found in the Law of Nature:

Man being born, as has been proved, with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of nature.... (ST chap 7 sec 87).

Therefore mankind is naturally free. This freedom originated at creation. Locke continues this theme later in the same work when he states that this perfect freedom that mankind is born into, cannot be taken away without his consent:

Every man being, as has been showed, naturally free, and nothing being able to put him into subjection to any earthly power, but only by his own consent...(ST chap 8 sec 119).

The above passage clearly shows that mankind is subject to an earthly power only by his own consent and consent itself is an act of freedom.

According to Locke there is an obligation on mankind to preserve his freedom and that of his fellow :

(God created man) in his own image after his own likeness, makes him an intellectual creature and so capable of dominion .....God has given man an understanding to direct his actions, has allowed him freedom of will....The liberty of man in society is to be under no other legislative power but that established under consent.(FT chap 4 sec 30).

But, says Locke, freedom can only be realised on a foundation of a pursuit of happiness ;

As therefore the highest perfection of intellectual nature lies in a careful and constant pursuit of true and solid happiness, so the care of ourselves, that we mistake not imaginary for real happiness, is the necessary foundation of our happiness ( Essay book 2 chapter 21 section 51).

Locke saw freedom as a mode of power which is given by means of sensation and reflection :

Power also is another of those simple ideas which we receive from sensation and reflection. (ECHU Book 2 chapter vii section 8).

However freedom is also the power to organise the individual's thoughts and movements in whatever manner the individual prefers:

So that the idea of liberty is the idea of a power in any agent to do or forbear any particular action, according to the determination or thought of the mind (ECHU Book 2 chapter xxi section 8).

Not only is freedom a decision of the mind but it is being able to choose and once that choice has been made it must be put into action.

In this, then, consists freedom, viz., in our being able to act, or not to act, according as we shall choose or will. (ECHU book 2 chapter 21 section 27)

Therefore there is no freedom in not choosing. In other words mankind has to choose although they may choose to delay the choice. Locke called this ability to choose, the 'source of all liberty' (ECHU on Man book 2 chap 21 sec 47)

Locke also believed that there could be no freedom without reason :

Men have been created capable of freedom and capable of reason. We are born free as we are born rational. (ST chap 11 sec 61).

In the same chapter Locke expands on the above statement to show that freedom can be meaningful only if it is related to the order of the world which in itself is the order of reason :

The freedom then of man and the liberty of acting according to his own will, is grounded on his having reason, which is able to instruct him in that law he is to govern himself by, and make him know how far he is left to the freedom of his own will (ST chap 5 sec 63).

Therefore we can conclude that reason will ensure that mankind enjoys freedom but also allows the person to understand that the law is necessary for him to continue that enjoyment. The freedom that comes from obeying the law is further expounded by Locke :

... Freedom of men under government is to have a standing rule to live by, common to everyone of that society and made by the legislative power erected in it, a liberty to follow my own will in all things where that rule prescribes not; and not to be subject to the inconsistent, uncertain, unknown, arbitrary will of another man: as freedom of nature is to be under no other restraint but the law of nature... (ST chap 3 sec 22).

However Locke states that in the first instance one person must not interfere with the right of liberty of another :

Every one ... when his own preservation comes not into competition, ought he as much as he can to preserve the rest of mankind, and not unless it be to do justice on an offender, take away or impair the life, or what tends to be the preservation of life, the liberty, health , limb or goods of another (ST chap 2 sec 6).

In the second instance mankind can only enjoy freedom if they observe the law :

Freedom of men under government is to have a standing rule to live by, common to everyone of that society, and made by the legislative power erected on it; A liberty to follow my own will in all things, where the rule prescribes not; and not to be subject to the inconsistent, uncertain, unknown, arbitrary will of another man. (ST chap 4 sec 22).

True freedom is to be free from restraint and violence from others. For this to be a reality, there must be laws. Here we find a contradiction. Mankind must be free but mankind must have laws. There must be laws to guarantee freedom, yet it is laws that restrict freedom. This can possibly be explained by the fact that absolute freedom means the ability to do just what one pleases. But Locke realises that a person cannot be free to what they wish :

No government allows absolute liberty (ECHU book 4 chapter 3 sec 18).

Therefore in society, mankind is obliged to forfeit some freedom for the good of society :

He is to part also with as much of his natural liberty, in providing for himself, as the good, prosperity, and safety of the society shall require, since the other members of the society do the like. (ST chap 9 sec 130)



It is the laws of society that limit his freedom :

The first power - viz., of doing whatsoever he thought fit for the preservation of himself and the rest of mankind, he gives up to be regulated by laws made by the society, so far forth as the preservation of himself and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of nature (ST chap 9 sec 129)

Locke even went as far as to state that there is no freedom without civil laws :

For in all the states of created beings, capable of laws, where there is no law there is no freedom (ST chap 6 sec 57).

However, the laws that a government establishes can only protect the rights of the individual if that individual wants them protected :

Laws provide, as much as is possible, that the goods and health of subjects be not injured by the fraud and violence of others; they do not guard them from negligence or ill-husbandry of the possessors themselves. No man can be forced to be rich or healthful whether he will or no (ITF page 8)

If the government established these laws then, like all other rights, freedom is not real unless the government can be called to account.

Locke can be interpreted as viewing private property as the basis of freedom. This thought follows through to that of personal freedom which is possible only through a free market economy because it deals with satisfying individual wants. To explore this concept further is outside the scope of this thesis.

#### 4.3.4 Property

In keeping with reliance on Christianity as a basis for his rights, Locke supports his doctrine on property with various quotes from both the Old Testament and the New Testament. From the fall of Adam mankind has been in a state of sin. The fall also originated the human condition, labour and the socio-moral category derived from labour in the condition of scarcity and private property (Dunn 1969:115). God gave the world to all humankind in general and also gave mankind the ability to make use of this world that he had given him. Without the will of God, mankind could not possess anything.

The thinking during Locke's time was that genuine property was a product of agreement or contract and originated with the state itself. Locke on the other hand believed that mankind came into society with natural rights which included property already in his possession. (Gough 1969:73). Natural Rights were the foundation of property. The state therefore did not create property. Based on this premise he frequently speaks of the right to property and an unlimited liberty to dispose of it.

It also follows that the state has no right to take any part of an individual's property without his consent. In the early 17th Century there arose an interesting debate on the question of raising taxes based on the Biblical injunction that we are to "Render unto Caesar the things that are Caesars." The clergyman, Roger Maynwaring used this text to prove that all subjects are under obligation to pay tax. John Pym, argued that the Jews at the time of Christ were a conquered nation, governed by the laws of the conqueror and the concept of the social contract did not apply in the same manner (Sommerville 1986:67). Nevertheless Locke wrote :

The supreme power cannot take from any man any part of his property without his own consent. For the preservation of property being the end of

government, and that for which men enter into society, it necessarily supposes that the people should have property without which they must be supposed to lose that by entering into society which was the end for which they entered into it; ... For I have truly no property in that which another can by right take from me when he pleases against my consent. Hence it is a mistake to think that the supreme or legislative power of any commonwealth can do what it will, and dispose of the estates of other subject arbitrarily, or take any part of them at pleasure. (ST chap 11 sec 138).

Locke always qualifies his stance by pointing out that at all time God has a superior right over the rights of mankind both in the state of nature and under legitimate government. This includes the right of property:

Man being born, as been proved, title to perfect freedom and an uncontrolled enjoyment, of all the rights and privileges of the law of nature, equally with by either man, or a number if meaning the world, hath by nature power not only to preserve his property - that is, his life, liberty and estate.... (ST chap 7 sec 87).

Locke further explores in the same book :

If man in the state of nature be so free as has been said, if he be absolute lord of his own person and possessions, equal to the greatest and subject to nobody why will he part with his freedom, this empire, and subject himself to the dominion and control of any other power ? To which it is obvious to answer... in this state (he) is very unsafe, very insecure. This makes him willing to quit this condition which, however free, is full of fears and continual danger; and it is not without reason that he seeks out and is willing to join in society with others who are already united or have a mind to unite for the mutual preservation of their lives, liberties and estates, which I call by the general name - property. (ST chap 9 sec 123)

Locke's theory on property was unprecedented in the history of political thought. His thoughts on property are a remarkable piece of writing. For certain, his writings are not important because they were clear and cogent. Their importance rests on the fact that they form the basis for two principal and opposite doctrines on property. On the one hand there is the liberal theory of free market exchange which includes the sale of labour while on the other hand there is the socialist theory which sees the sale of labour as a process of exploitation (Redhead 1985:117). Locke begins to develop a theory which seems to anticipate Marx's labour theory of value. Mankind mixes his labour with the environment to create economic worth. With it goes private property. However we must not look at property as a simple economic fact. Individual's saw property as an extension of themselves and therefore a reflection of themselves.

John Locke differed greatly from his contemporaries with his theories as to why men enter into society. The key to this he believed was purely the preservation of his private property. An individual's civic right to property is founded on the law of nature. This is based on the fact that mankind's first basic right is the right to life. Property is a means of preserving that right. If mankind had to wait for general consent they would starve while waiting.

If we look to see what Locke constitutes the primary title to private property we find that it is labour. Although labour is only the final stage in the property-making process in the state of nature, mankind's labour is his own. Locke paid extensive attention to the right to own private property which is mainly due to the influence of the outlook of the section of society in which he moved (Copelston 1964:130). Locke stated that everyone has the right to his own person and to inherit property.:

(each man) is born with a double right; First, a right of freedom to his person which no other man has power over, but the freed disposal of it lies

in himself. Secondly: a right before any other man, to inherit, with his brethren his fathers goods (Locke P.Laslett Two Treatise page 441 quoted in Shapiro 1986:84).

However that is not the only way to obtain property as the next section indicates :

God who hath given the world to men in common, hath also given them reason to make use of it to best advantages of life and convenience. The earth and all that is therein is given to then for support and comfort of their being. And although all the fruits it naturally produces, and beasts it feeds, belong to mankind in common, as they are produced by the spontaneous hand of nature, and nobody has originally private dominion exclusive of the rest of mankind in any of them, as they are thus in their natural state, yet being given for the use of men, there must of necessity be man's to appropriate them some way or other before they can be of any use.... (Second treatise chap 5 sec 26).

The above passage raises other apparent problems with its phrase "being given to all men in common", as this seems to infer that God gave all things collectively to mankind to own. This would then preclude any claim to private property. But what he really means is that mankind is entitled to appropriate private property for itself provided no one else has already claimed it.

Locke identifies three limitations on mankind in his quest for appropriation of goods and land. The first of these limitations is that mankind must mix labour with whatever is appropriated (Ryan 1965:220) :

Though the earth and all inferior creatures be common to all men, yet every man has a property in his own person. This nobody has any right to but himself. The labour of this body and the work of his hands, we may say are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own and thereby makes it his property. It being by him removed from the common state of nature placed it in, it hath by his labour something annexed to it, that excludes the common right of other men. For

this labour being the unquestionable property of the labourer, no man but her can have a right to what that is once joined to, at least where there is enough, and as good left in common for others. (ibid sec 27).

God gave the world to mankind to use and enjoy. By the work of their own bodies they transformed the natural world into a flourishing and productive place where they created material goods. Those who worked and observed the laws of nature could enjoy God's world. The key to the possession of property is found in the lines quoted in the last section : "mixed his labour with it and joyned to it something that is his own". We find a reoccurrence of this theme later in his Second Treatise:

Thus this law of reason makes the deer that Indian's who hath killed it; it is allowed to be his goods who hath bestowed his labour upon it, though, before, it was the common right of every one ... Now of those good things which Nature hath provided in common, everyone hath a right (as hath been said) to as much as he could use, and had property in all he could effect with his labour; all that his industry could extend to, to alter from the state Nature put on it. He that gathered a hundred bushels of acorns or apples had thereby a property in them; they were his goods as soon as gathered. (ibid chap 5 sec 30 and 46).

In the above sections of his writings, "Locke speaks of propriety or property where the teachers of natural law talk of the sum. The concept is the same. Property means that which belongs to a person. When Locke contends that fruit or the deer becomes the Indian's in the sense of being a part of him, he follows the same line of thought as Grotius and Pufendorf. "The spiritual personality is extended so as to encompass physical objects ... Since being one's own means being part of oneself, making a thing one's own means making it part of oneself. Something of oneself is infused in the object." (Olivecrona 1974:225)

Locke draws no distinction between labour and actions when it comes to appropriating and further points out that no ones permission is required before appropriating.

From all which is evident, that though the things of Nature are given in common, man (by being master of himself and proprietor of his own person, and the actions or labours of it) had still in himself the greatest foundation of property. (ibid chap 5 sec 44)

Locke, also draws no distinction between the right to taking the products of the earth and the ability to appropriate land and fence it off, as they are both acquired in the same manner :

But the chief matter of property being now not the fruits of the earth and the beasts that subsists on it, but the earth itself, as that which takes in and carries with it all the rest, I think it is plain that property in that too is acquitted as the former. ( ibid chap 5 sec 32).

In the same section Locke points out that to acquire land, labour is involved. The land must be tilled, for example. before it can be enclosed which in itself is labour.:

God and his reason commanded him (man) to subdue the earth - i.e. improve it for the benefit of life and therein lay out something upon it that was his own, his labour. He that, in obedience to this command of God subdued, tilled, and sowed any part of it, thereby annexed to it something that was his property, which another had no title, nor could without injury take from him (ibid chap 5 sec 32).

Even though Locke writes about the contribution of labour to the value of property he remains vague about its exact contribution :

It is labour indeed that puts the difference of value on everything; and let anyone consider what difference is between an acre of land planted with tobacco or sugar, sown with wheat or barley, and an acre of the same land lying in common without any husbandry upon it, and he will find that the improvement of labour makes the far greater part of the value (Second Treatise Chap 5 Sec 40).



Locke was writing in an age where there was no shortage of land. Appropriation of land would not result in any individual being deprived of his own land:

Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still good enough and as good left, and more than the yet unprovided could use. So that, in effect, there was never there less provided for others because of his enclosure for himself. (ibid chap 5 sec 33)

Despite this apparent abundance of land and goods we note that the second limitation to the right to appropriation is that there must be enough left for others:

No man's labour could subdue or appropriate all, nor could his enjoyment consume more than a small part; so that it was impossible for any man, in this way, to entrench upon the right of another or acquire to himself a property to the prejudice of his neighbour, who would still have room for as good and as large a possession (after the other had taken out his) as before it was appropriated. Which measure did confine every man's possession to a very moderate proportion.. (ibid chap 5 sec 36).

This second limitation on appropriation is set by one's needs. This means that an individual cannot amass property to the detriment of others. Nor can he exercise the right to appropriation if it will result in the starving or death of another:

But we know God hath not left one man so to the mercy of another that he may starve him if he pleases. God, the Lord and Father of all, has given no one of his children such a property in his peculiar portion of the things of this world but he has given his needy brother a right in the surplusage of his goods, so that it cannot justly be denied him when his pressing wants call for it; and, therefore, no man could ever have a just power over the life of another by right of property in land or possessions, since it would always be a sin in any man of estate to let his brother perish for want of affording him relief out of his plenty (First Treatise chap 4 sec 41).

The prime consideration is the common right of all to preservation.

An individual may not merely grab all that he can, he may only take that which he can use. This principle can be clearly found in the Old Testament when God gives instructions to those who reach the land of Canaan. "Distribute the land by lot, according to your clans. To a larger group give a larger inheritance, and to the smaller group a smaller one" (Numbers 33:54). If he takes more than his share then he is taking what belongs to others.

Men had a right to appropriate by their labour, each one to himself, as much of the things of nature as he could use ... where the same plenty was still left to those who would use the same industry ... if the fruits rotted or the venison putrefied before he could spend it, he offended against the common law of nature and was liable to be punished; he invaded his neighbour's share. (ST chap 4 sec 37).

In the section below he quotes from 1 Timothy chap 6 v 17 and leads to the conclusion that individuals should not hold more than they can make use of.

It will be perhaps, be objected to this, that if gathering the acorns or other fruits of the earth, etc. makes aright to them, then any one may engross as much as he will. To which I answer, Not so. The same law of Nature that does by this means give us property, does also bound that property to God has given us all things richly. Is the voice of reason confirmed by inspiration? But how far has he given us to enjoy? As much as anyone can make use of to any advantage of life before it spoils, so much he may by his labour fix a property in. Whatever is beyond this is more than his share, and belongs to others. Nothing is made by God for man to spoil or destroy. (ibid chap 5 sec 31)

The third limitation is therefore the fact that nothing must be allowed to spoil or be destroyed. Also from this section we can see that the industrious poor are always entitled to the opportunity to make a livelihood (Tuck 1982:172).

Locke does qualify this third limitation by allowing appropriation of more goods than can be used provide the excess is used to exchange for other property which can be used :

He that gathered a hundred bushels of acorns or apples had thereby a property on them; they were his goods as soon as gathered. he was only to look that he used them before they spoiled else he took more than his share, and robbed others. And, indeed it was a foolish thing, as well as dishonest, to hoard up more than he could make use of. If he gave away a part to anybody else, so that it perished not uselessly in his possession, these he also made use of. And if he bartered away plums that would have rotted in a week for nuts that would last good for his eating a whole year, he did no injury; he wasted not common stock; destroyed no part of the portion of goods that belonged to others so long as nothing perished uselessly in his hands. Again, if he would give his nuts for a piece of metal, pleased with its colour, or exchange his sheep for shells, or wool for a sparkling pebble or a diamond, and keep those by him all his life, he invaded not the right of others; he might heap up as much of these durables things as he pleased. (ibid chap 5 sec 46).

Locke accepted, however, that money had a great impact on the theories which he held :

And thus came in the use of money; some lasting thing men might keep without spoiling, and that, by mutual consent, men would take in exchange for the truly useful but perishable supports of life (Second Treatise chap 5 sec 47).

Locke then concedes that the advent of money greatly increased the unequalness of mankind's possessions. Strauss points out "In civil society almost everything has been appropriated; land in particular has become scarce. Gold and silver are not only scarce but through the invention of money they have become so valuable to be hoarded up" (Strauss 1952:240) :

And as different degrees of industry were apt to give men possessions in different proportions, so this invention of money gave them the opportunity to continue and enlarge them. (ibid sec 48).

Strauss continues "One should therefore expect that the original law of nature has been replaced by rules imposing much severer restrictions on appropriation than those which existed in the state of nature...Yet Locke teaches exactly the opposite; the right to appropriate is much more restricted in the state of nature than in civil society" (Strauss 1952:240)

In dealing with the right of the individual to appropriation of property, Locke does not address the fact that the good for the individual is not always for the good of the majority. There is no attempt by Locke to tie up these two points which could be in conflict. This problem continues with his lack of analysis of the concept of the common good and his assumption that this concept and the concept of private property are synonymous. This objection should be seen as a view that has the advantage of looking back in history and is therefore valid only because we now have knowledge which Locke did not have.

Locke has also been severely criticized for the loose manner in which he uses the word property. He tended to use the word in its ordinary sense and gave it prominence among the natural rights of mankind (Gough 1969:87). It is this loose manner in which Locke used the word that allowed Macpherson to identify two properties, a finding that was hotly disputed by Macpherson's critics, especially Viner who used this aspect to attack Macpherson in his article "Possessive Individualism as original sin". Despite Macpherson's rebuttal, Viner issued a counter rejoinder in which he stated " I am still unconvinced that the emphasis he (Macpherson) puts on an alleged dichotomy in Locke's views on property does not have its origin in part on insufficient awareness of how general in his time was Locke's double usage with respect to the word Property. It is, of course open to Macpherson to argue that the double usage by other than Locke was, or may have been, associated with a similar confusion of thought on their part." (Viner 1963:564)

In concluding this section on property we should take note of 1 Timothy 6:17 which we previously quoted from the Second Treatise chap 4 sec 31 and which Locke also referred to in his First treatise :

God gives us all things to richly enjoy (FT chap 5 sec 40).

From these two quotes we can conclude that property can be used for more than mere preservation but that mankind has the right to use his property for enjoyment. However, enjoyment cannot take place without sufficient for all and the security of possession as Locke wrote :

Happiness cannot consist without plenty and security ( As quoted in Tully 1980:101).

#### 4.4 THE SOCIAL CONTRACT

In a previous chapter we dealt with Natural Rights the line of argument used must be followed here to establish the origin of Human Rights. The notion of the Social contract from the Biblical text of the Old Testament to the writings of John Locke implied an assumption of a deliberate act of foundation of society. The actual concept of a Social Contract as philosophical theory had it's origins with the Greek Sophists who maintain that government was limited to the protection of the individual. Plato and Aristotle moved away from the emphasis on the individual and concentrated on the individual as a part of a body of people. Both Plato and Aristotle considered the concept of a social contract but rejected it.

Epicures returned to the individual in stating that civil society was formed to avoid pain. The early Christians saw society as a result of the fall of mankind thus marking society as a necessary evil. It is in the writings of St Thomas Aquinas that the Medieval concept of a Social Contract was originated in about 1250 relying heavily on Aristotle's "Politics" and Biblical text. Biblical text indicated that rulers were ordained by God although there are instances such as with King David

where the ruler made a covenant with the people. St Thomas split the concept into three with the substance of authority given by God while the constitutional form and its exercise is given by the people. During the middle ages the divine origin of the state was seldom questioned. Richard Hooker, however, outlined the idea of a social contract. This idea became popular in England due to the up and coming class of wealthy mercantiles.

The theories of social contract reached their peak with Locke. Even King James I, to whom Locke was opposed, conceded that there was a contract between King and People:

King James ...in his speech to the Parliament, 1609, he hath these words : "The king binds himself, by double oath, to the observation of the fundamental laws of the kingdom - tacitly, by being king, and so bound to protect, as well as the people as the laws of his kingdom. and expressly by his oath at his coronation; so as every just king in a settled kingdom is bound to observe that pactation made unto his people.." ( ST 2 chap 18 sec 200)

Therefore Locke's concept of a social contract is nothing new. But it would be wrong to assume that his predecessors believed that the people should govern. Seldon for instance believed that the best form of government was a democracy but to argue that power had originally resided with the people was to emphasize that the monarch had limited power.

Locke does not conceive it as a contract between ruler and ruled as do many political philosophers. Locke rather sees it as a contract between all the members of a society. An individual may give either his express or tacit consent to becoming a member of any political community. The important difference between Locke and his predecessor is that Locke did not see the original Social Contract as a basis for government. His basis for government is a contract between individual and individual :

All this is done by barely agreeing to unite into one political society, which is all the compact that is, or needs to be, between individuals that enter into or make you a commonwealth.(ST chap 8 sec 99)

It is this individual and privacy of responsibility that brings about the features of Locke's possessive individualism which we will refer to later in this thesis.

Locke based much of his political thought on Hooker who was the authority acceptable to a large section of the community in Locke's days. There are also many parallels between Locke's theory and Papendorf's theory. Locke was maintaining that the King, unlike in King James' version, was in a trusteeship position. This idea had been previously located in Bishop Planet's short Treatise of Political Power written in 1556.

Civil Societies start with a State of nature in which all people are free and equal. This State of nature is bound by the Law of Nature which in turn bounds them to real obligations. However it is clearly stated that people are not meant to live as individuals:

God having made man..put him under strong obligations of necessity, convenience and inclination, to drive him into society (ST chap 7 sec 77).

Mankind gives up the state of nature for civil society only for mutual preservation of life, liberty, property and the pursuit of happiness :

For the political society is instituted for no other end, but to secure every man's possession of the things of this life...thus the safeguard of men's lives and of the things that belong unto this life is the business of the commonwealth. (IT page 16)

Civil Society starts with the fact that mankind is born into families and cannot survive outside this basic unit. It is only after a long period that an individual can become independent. For Locke it is the sexual desires that forms the most basic social unit. This voluntary union provides a social, biological and theological function in providing the child with a stable and protected environment. According to Dunn, Locke was unable to explain the development of legitimate societies outside the family structure. Nevertheless Locke maintains that as a child, mankind is amoral and full of selfish desires but as an adults becomes free and independent, responsible for their own behaviour.



A political society comes into existence when every person has given up individual power in the State of Nature to protect themselves and their property. According to Locke there are four reasons why we should protect our property. The first is because it is a command from God and is reasonable that mankind must be industrious. A lack of protection could deprive them of their earned property. Secondly the protection of property and body is the basis of security and thirdly it means that the lazy cannot sponge off the industrious. Fourthly the individual who has protected property can free his mind to concentrate on the happiness of salvation.

Therefore because it is mankind's desire to change from a State of nature to Civil Society this change takes place by consent. He does so because in the State of Nature his liberty is seldom assured. He therefore takes what liberty he has and places it in the care of the majority :

And thus every man by consenting with others to make one body politic under one government puts himself under an obligation to every one of that society to submit to the determination of the majority ( ST chap 7 sec 97).

Locke deduces that the right of majority rule is the principle governing the action of the community and forms part of the social contract :

For when any number of men have, by consent of every individual, made a community, they have thereby made that community one body, with power to act as one body, which is only by the will and determination of the majority ( ST chap 8 sec 96).

Not only must there be majority rule but the minority must agree to accept the rule of the majority. If this did not happen the chance of the social contract being kept would be out of the question.

At this point it is relevant to quote from Aaron (1971:280). When dealing with what type of constitution there should be "Of the three forms, democracy, oligarchy and monarchy, Locke felt that none was wholly satisfactory in itself, and he favoured a mixed constitution, namely, the constitutional or limited monarchy".

When entering society, mankind gives up some rights in order to protect the remainder of the rights. This action is only to improve his situation :

But though men when they enter into society give up equality, liberty, and executive power they had in the state of nature into the hands of the society, to be so far disposed of by the legislative as the good of society shall require, yet it being only with an intention in every one the better to preserve himself, his liberty and property (for no rational creature can be supposed to change his condition with an intention to be worse) (ST chap 9 sec 131).

By placing his liberty in the care of the majority, people transfer power from themselves to society. In the State of Nature, God has given mankind the agency to judge and sentence fellow mankind for offences committed. This executive power has formed the basis of all legitimate power of person over person. This means that the individual agency from God is transferred to the Government and the state can therefore legitimately claim that it's authority is from God. This power has certain basic rights for the government :

Political power then I take to be a right of making laws, with penalties of death, and consequently all less penalties for the regulating and preserving of property...(ST chap 1 sec 3)

A Government is established as a trust to be operated solely for the protection of individual rights. The only right that the individual has that is seceded is the right of executing the law, while all the other rights in the state of nature are retained.

Locke deduces that in the social contract the individual authorizes the state to use force when executing its judgement on the rights involved in the law of nature. The individual is obliged to contribute his force to execute the decisions of the political authority which he has founded. The success of the Social Contract is based on mankind's duty to keep a promise. This duty imposed by Natural Law, places an obligation on the individual. But it also places a duty on the government to protect the rights of each individual. As Locke writes :

It is the duty of the civil magistrate, by impartial execution of equal laws, to secure unto all people in general, and to every one of his subjects in particular, the just possession of these things belonging to his life. (LIT page 3)

Once civil society has been established its first act is to form a legislative power, but to prevent it from becoming a menace it is separated from the executive :

The first and fundamental positive law of all commonwealths is the establishing of the legislative power (ST chap 11 sec 134).

Although Locke detailed limitations of the legislative power he did not consider this new union to be a contract of Government. Thus the government in the form of the legislature and the executive are not contracted but are placed in a position of trust leaving the people as both trustor and beneficiary. The concept of trustee is to be within the parameter set by the law of God and nature on which the contract stands:

These are the bounds which the trust that is put in them by society and the Law of God and Nature have set to the legislative power of every commonwealth in all forms of government. (ST chap 11 sec 142)

Obviously the concept of trustee as opposed to contract means that the individual's rights are enhanced. In a contract both parties have rights while in a trusteeship only the trustee retains rights. The net result is that the government is left with duties while the people are left with rights. The individual, however, is left with an obligation to obey the will of the majority as we have already shown in the section.

Locke then identifies a third power called Federation which allows the concluding of treaties. This power which deals with foreign affairs, is usually united with the executive.

Returning to the concept of power in the social contract, Locke identifies three types of power but only one is legitimate. Firstly there is despotism which is the kind of power a master has over his slave :

... despotic exceeds it; and that absolute dominion however placed is so far from being one kind of civil society that it is inconsistent with it as slavery is with property. (ST chap 15 sec 174).

Locke gives examples of this type of power as in Ceylon, the Tsar, in Turkey and in Egypt (Parry 1978:67). Despotism is incompatible with civil government. In fact it was Hobbes who allowed this type of power to become accepted.

The second type of power is paternal. This is the power that a father has over his family. This was the argument of Filmer which Locke spent the whole of his first treaties refuting. Locke agrees that the first "government" may have been fathers :

As government is hardly to be avoided amongst men that live together, who so likely to be the man as he that was their common father (ST chap 8 sec 105)

But Locke goes on in sections 106 and 107 to claim that these "governments" being a result of consent, recognizing the father as a political government not paternal government. Following this argument, Locke is justified in considering paternal power as not being acceptable because with this type of power such as in a family, there is no choice. Locke also does not see paternal power as an important element in mankind's transition from the state of Nature to the Social Contract. He agreed that first society was between man and woman.:

The first society was between a man and wife which gave beginning to that between parents and children to which in time that between master and servant came to be added. (ST chap 7 sec 77)

But Locke continues to state that this basic society could be evolved into a state. The father as paternal head and ruling with the consent of his children could easily transform himself into a political leader without any major changes in duties and power yet retaining the consent of the individual. The social contract is a deliberate choice by mankind to subject himself to an authority or political power. Paternal

power would be in conflict with this approach. Finally paternal power would instruct as well as order and protect while the reason for civil government is just to order and protect.

Political power is defined by Locke as :

Political power then I take to be the right of making laws, with penalty of death and consequently all less penalties for regulating and preserving of property and of employing force of the community in the execution of such laws and in the defence of the commonwealth from foreign injury and all this only for the public good (ST chap 1 sec 3).

This power has limitations. Firstly the society thus formed cannot function outside the mandate given to it by the people in the society. This means that a society cannot have more authority over its members than that which they had in the State of Nature. Nor can an individual confiscate the land of another nor enslave that person without a real reason. Finally it may not redistribute rights as this means that it would need to violate the rights of an individual to give it to another.

Community always has supreme power. The community is the public will of society which members obey. But the power of collective right of law enforcement is not regained by the political society while civil government acts within the trust placed in it. Similarly this power cannot revert to the individual while there is a political society.

A major defect in the Social Contract theory is its failure to recognise that cohesion of society relies on much deeper psychological factors than Locke allows us to believe. There is a problem in trying to reconcile the necessity of individual concern and obedience to majority rule. Nevertheless in Locke's day it was quite accepted.

The greatest problem, I believe, is that mankind was never really in a State of Nature. From a practical point of view the original contract simply did not exist. This is acknowledged by Locke's affirmation that there are no actual instances of men coming together to formulate an explicit agreement. Locke identifies the examples of Rome, Venice and

certain American communities. Despite these examples Locke admits that there are no records of any contracts :

Government is everywhere antecedent to records and letters seldom come in amongst people till along continuation of civil society .....then they begin to look after the history of their founders and search into their original when they have outlived the memory of it. (ST chap 8 sec 101.)

Locke does not satisfy the historical evidence required by Sir Henry Main and other philosophers who adhere to the historical method. History does not show us men in primitive times living in isolation. Every grouping had a chief and this seems to be the origin of government by one ruler. Since Locke, men have tried to deride the notion of a contract with the idea of Neanderthal man assembling in a vast plain to vote. His theory has come under the criticism of Hume, Bentham, Burke and Kant. Nevertheless Locke's theory is more reasonable than Hobbes who theorised that mankind was prepared, in the social contract, to surrender all powers including control of property to one person. Locke said the social contract was not a surrender but a union that would protect property, life and liberty. Perhaps the most logical explanation is that Locke did not mean to imply that men actually lived in a state of nature at one time and then decided to enter a social contract. Nor did he mean that an individual when born has a choice in the matter. He used the concept to explain the priority of the individual to society and the standing of an individual in it.

A further critic of Locke's is Sir Frederick Pollack who maintained that the rights to personal safety, reputation, for example, are not transferable and are wholly distinct from the rights of property. In his opinion Locke was merely trying to pass on the whole burden to the state and this was seen to be the clever passing of the buck by an ingenious layman (Gough 1969:77).

My own theory is that the social contract evolved over a period of time and sooner or later the individuals in the community came to realise that they were subjecting certain liberties for protection. At this stage of realization the individual decided that he/she would accept the situation

they found themselves in thereby tacitly sealing the contract between person and person and this need not have come to all men at the same time. This is borne out by Locke's view that political authority is as a result of consent of the individual not the drawing up of a communal contract. While this theory may not be unique I have been unable to find any trace of it in the references I have read.

The contract theory had to withstand sustained attacks by David Hume and Hegel. Bentham rejected the theory and thought that utility was the catalyst for societies although he agreed that there was a State of Nature. The decline in popularity of the Contract Theory continued with few new arguments being put forward. In the 19th Century there was a revival and a successful resurrection by Nozick in the 20th century.

The Social Theory has through the ages, attempted to explain a reconciliation between laws and liberty. There are many theories which litter philosophy books of the past but few are without anomalies or fault. Today popular Communist theory sees political obligations as a struggle for power (Gough 1969:255).

Generally Locke's doctrine is held to be unhistorical and sociologically and psychologically weak. Yet reading through the weird and wonderful, the outstanding and puerile ideas of the past I am left with the notion that while Locke in theory flounders on the rocks of history, his concept of trusteeship is a logical explanation of political obligation. Even if there was no contract, men seem to behave as though there was one. In other words there is a contract implied.

#### 4.5 GOVERNMENT BY CONSENT

The foundation stone of the social contract is the involvement of the consent of the individual. As Locke wrote :

When any number of men so consented to make one community or government; they are thereby presently incorporated and make one body politic (ST chap 8 sec 95).



Later in the same chapter Locke wrote :

The beginning of politic society depends upon the consent of the individuals to join into and make one society (ST chap 8 sec 106).

Locke saw that the sovereignty of the people had to be given manifestation in some type of government. He had already refuted an absolute monarchy. Aristocracy became an oligarchy which was also not acceptable on the basis that it became a minority rule. Democracy was the only alternative. This meant rule with the consent of the majority.

As we considered in a previous section, Locke maintains that there are two types of consent. The first is positive consent which can be either expressed or tacit. The second type of consent, according to Locke, is natural consent which is based on natural instinct and can be either moral behaviour, opinions or principles. When Locke talks of consent in terms of legitimate government or the social contract, then he is referring to express or tacit consent only as found in positive consent. Nowhere does he bring in the distinction between positive and natural consent save where he is attempting to prove that natural law is not derived from the general consent of mankind.

Locke maintained that no government could be legitimate unless it had the consent of the citizens behind it. It must be ruled by the consent of the majority by which the law of nature was conserved. This was similar to the thoughts of Cusanus who had some two centuries before accepted that a community had a divine right to rule. For this to be effective, representative government is necessary. There must be a proper relationship between the people and rulers. This idea of consent had descended from the Middle Ages as a regular part of the doctrine of parliament.

Government by consent is therefore the basis for legitimate government, and is a historical and serviceable, loose though it may be, description of a constitutional type of government.

While writers such as John Dunn claim that Locke's failure to give a clear account of what constitutes express consent (Dunn 1985:chap 10) and Gerant Parry who claims that Locke is not clear on how express consent is registered (Parry 1978:104), Paul Russell motivates that express consent is verbal declaration of mankind's consent to make himself subject to the laws of the government. This express consent is not dependent on the individual being a landowner. He uses the argument of Hobbes and Papendorf, and bearing in mind their influence on Locke, he has shown that Locke was using the eminents of his time.

Where Locke does fall down is as to whom this consent is given and where it was given. The most plausible suggestion comes from Dunn who sees the oath of allegiance prevalent in England at the time of Locke.

The social contract is an agreement whereby individuals agree to accept a restriction on their freedom and independence and by this express consent are under obligation to comply with the rules of society. But then the question arises, what happens to succeeding generations. Locke answers by saying that individuals can be seen to give their tacit consent. This tacit consent is described by Locke as :

Everyman that hath any possessions or enjoyment of any part of the dominions of any government doth hereby give his tacit consent. (ST chap 8 sec 119)

A person tacitly consents to the rules of the government by living and working within the jurisdiction of the state. This acknowledges the legitimacy of the government and consents to obey its laws but does not necessarily approve of those laws. Therefore tacit consent is given by an individual when he/she owns land or merely resides within the boundaries of the state. This tacit consent means they recognises the jurisdiction of the government over their land and the individual as he/she lives on the land. Such a person is able to utilise the land and therefore is in a society but a person who has given their express consent may never leave that society.

Locke accepted that although every individual's consent was necessary at the inauguration of the political community, this did not imply that political liberty was the same as the liberty in the state of nature. In its extreme form this doctrine of consent could mean that mankind is bound only by that which is consented to but Locke did not advocate anarchy and therefore mankind does not maintain the extreme individualist position.

Locke tells us that when individuals agree to make one body politic this implies acceptance of an obligation to submit to majority decisions and he further points out that the only alternative is the disintegration of the community. The truth is that the whole principle that the decision of the majority is binding on all (and whether it be by two-thirds majority or not makes no difference in principle) is quite artificial. As far as nature goes the only binding decision is a unanimous one. (Gough 1969:62)

Locke lays down the boundaries which society, the law of God and the law of nature have put on rulers. Firstly, the legislature must govern by promulgated laws which apply equally to all individuals in all cases. Secondly, the laws must be only for the good of the members of the society. Thirdly, the legislature cannot raise taxes without the consent of the members. In this point Locke disagrees with Hobbes that the legislature can dispose of an individual's property. Finally, the legislature may not transfer the law-making powers to any person to whom the members have not entrusted this power.

The legislature is the power in the state as it alone can make the laws. The power is unalterable but it derives its authority from the covenant of the people. These thoughts, Locke derived from Hooker (Graham 1918:54). But Locke also realized that the legislature that formulated the legislation and the executive that executed the legislation must be separated to prevent the legislators from becoming above the law and thus having an interest distinct from the rest of the community. A government with absolute powers can become worse than the natural state. In a letter to Richard King on August 15, 1703 Locke defined government as those who :

comprehend all the arts of peace and war; the management of trade, the employment of the poor; and all those other things that belong to the administration of the public (As quoted in Tully 1980:170).

In 1836 Carl Jarcke detected that Locke had been the originator of the doctrine of the separation and balances of power (Gough 1969:93). As has been previously quoted :

The first and fundamental positive law of all commonwealths is the establishing of the legislative power (ST chap 11 sec 134).

Once laws have been made, the law makers put those laws into the hands of others and the law makers then themselves become subject to those laws. He unhesitatingly asserts that the legislature is the superpower to which all are subordinate. Even though the legislature is the supreme power it cannot have absolute and arbitrary power over its subjects. It is limited to the public good.

A legitimate authority of one person having power over another is ultimately conferred by God. This is based on the writings of St Paul in the New Testament. When those in legitimate authority judge offences committed by their subjects, they judge them as agents of God. Therefore we can deduce that being part of society has certain political obligations. For example, in Locke's day an oath of allegiance was taken to be a natural obligation and he pointed out that oaths of allegiance cannot be withdrawn at will.

It follows that based on Locke's theories an absolute monarchy and an absolute oligarchy are not a legitimate government. Locke also indicated that existence under an arbitrary despot would be worse than in the state of nature. Locke would also not admit the sovereign omnipotence of Parliament (Graham 1911:61).

As far as I am concerned, after sifting through the maze of conflicting thought ranging from the feasible to the embarrassing, I see that mankind consented with the social contract to comply with the rules and law of

the state. This included subjecting his land. When land reverts back to another the restrictions also revert thus enforcing the new owner to comply with the original contract. This is tacit consent.

A person is therefore able to consent either expressly or tacitly to become a member of a political society and this binds the individual to obey the government which is placed in a position of trust. This consent does not mean that the individual agrees with the form of government in power. Political Obligation is derived from promises, and promises are given tacitly or expressly.

The role of consent in the day to day governing of a country is not adequately covered by Locke and remains an area for scholarly study at some future date.

What about the situation where a foreign power defeats a nation and sets up its own rule? Is this community under obligation to the occupying power?

The strong historical evidence that Charles the First's ancestor William of Normandy, had conquered England and thus became the legitimate ruler of England forced theorists in the early 17th Century to concede that legitimate rule could also be gained by means other than consent. Hooker, however, claimed that the King of England was bound by a social contract and therefore was forced to conclude that the King ruled by lawful succession and not by conquest. The thinking at the time was that rule by conquest meant that the ruler was answerable to God alone and not the people.

In Locke's day many, if not most, states came about by conquest. It was Locke's opinion that these governments, so formed did not constitute a legitimate government as there was no combining of the executive rights of the individual in a social contract. This meant that the relationship between the conqueror and conquered remained one of hostility even after the situation became accepted by the world :

For first the conqueror never having had a title to the land of that country, the people, who are the descendants of, or claim under those who were forced to submit to the yoke of a government by constraint have always had the right to shake it off and free themselves. (ST chap 15 sec 192)

When a conquest takes place, the conqueror may obtain redress under the law of nature but may not deprive the conquered family from obtaining subsistence :

He has no right to seize more than the vanquished could forfeit; his life is at the victor's mercy and his service and goods he may appropriate to make himself reparation; but he cannot take the goods of his wife and children, they too had title to the goods he enjoyed (ST chap 15 sec 183).

This conquest cannot take away the rights of following generations as the conqueror cannot claim the whole country. He is however able to claim war damages being five years production :

The destruction of a year's product or two (for it seldom reaches four or five) is the utmost spoil that usually can be done. For as to money, and such riches, and treasures be taken away, these are none of Nature's goods (ST chap 15 sec 184).

A conqueror does not have genuine right to govern as the people have not given their consent. Consent cannot come under duress as it then remains invalid:

The conqueror it is true, usually by force he has over them, compels them, with a sword at their breasts, to stoop to his conditions and submit to such a government as he pleases to afford them.... to which I say they bind not at all (ST chap 15 sec 186).

The conqueror can only become the legitimate government if the citizens, after the conquest, agree to submit themselves of their own free will. This has the effect of legitimizing the act of conquest:

The conqueror gets no power but only over those who have actually assisted, concurred or consented to that unjust force that is used against him. (ST chap 15 sec 177)

Sommerville points out that John Pym claimed that the biblical text "Render unto Caesar the things that are Caesar's" showed that the Jews were at the time under their conquerors the Romans. The Jews were therefore obliged to pay taxes not by consent but by reason of conquest. (Sommerville 1986:67).

Laws are enacted to ensure the safety of others. As Locke wrote :

Laws endeavour, as far as possible, to protect the goods and the health of subjects from violence of others, or from fraud, not from negligence or prodigality of the owners themselves. No man against his will can be forced to be healthy or rich ( A Second Letter concerning Toleration page 91 as Quoted in Parry 1978:87).

Should a government ignore this obligation, it could in the future be used against them. As the historian Thucydides wrote 2,000 years ago "Indeed it is true that, in these acts of revenge on others, men take it upon themselves to begin the process of repealing those general laws of humanity which are here to give hope of salvation to all who are in distress, instead of leaving those laws in existence, remembering that there may come a time when they too, will be in danger and will need their protection (As quoted in Matthew 1984:10).

But we know God hath not left one man so to the mercy of another that he may starve him if he pleases. God, the Lord and Father of all, has given no one of his children such a property in his peculiar portion of the things of this world but he has given his needy brother a right in the surplusage of his goods, so that it cannot be justly be denied him when his pressing wants call for it; and, therefore, no man could ever have a just power over the life of another by right of property in land or possessions, since it would always be a sin in any man of estate to let his brother perish for want of affording him relief out of his plenty (FT chap 4 sec 41).

Does this mean that the State is responsible ? Is this Locke's justification for a welfare state ? I will return to his question in the next chapter dealing with Human Rights.



All political rights are conditional on acceptance of political duties. Even aliens owe duties as they enjoy the resources of the society (Dunn 1969:138). For example an implicit, if not explicit, oath of allegiance to the ruler or monarch is (was) expected of each subject. These natural obligations were the bonds of society in the seventeenth century.

The dust jacket of the book "Plato to Nato" reads as follows :

"Question : Why should I obey the state ?

Answer : 1. Because if I don't they will cut my head off \*

2. Because it is God's will \*

3. Because the state and I have done a deal \*

4. Because the state is the actuality of the ethical idea \*

(\* strike out whichever is unapplicable)

The history of political thought is the history of mankind's attempts over the centuries to answer the question 'Why should I obey the State ?' But even to ask it poses more questions. 'What is the State and what should it be?' (Redhead 1985). Locke's political thought is no different.

Locke begins Political obligation with the principle that mankind needs only obey a government whose authority he has given his personal consent to. Locke appears not to notice any difference between strict individual consent and the vague consent of the majority. In spite of this, Elaine Spitz concludes that Locke enunciated a logical relationship between consent and majoritarianism.

Locke's treatment of majority is a weak link in his Second Treatise. He claims that in consenting to become a member of society the individual automatically is bound by the majority. Alpheus Mason and Willmoore Kendall both highlighted the danger of majoritarian tyranny inherent in Locke's theory. There are no protections for minority rights in this concept. Kendall further considers Locke to profess faith in the moral

capacity of the many. In other words Locke says the will of the people is not right because of the size of the group but their will is as close to rationality and justice as is possible.

McPherson on the other hand says that Locke restricted his concept of people to the capitalists who will preserve everything necessary to maintain their economic system.

#### 4.6 HUMAN RIGHTS

The previous two chapters have shown that Governments are established as a trust for the protection of individual rights and each individual consents to be governed. To carry out it's function of protection the government must create laws. The individual agrees to abide by these laws as part of their consent. These laws in general go beyond Natural Rights.

Natural Rights were founded in creation and were given to man by God. Human rights, however, are those rights which are derived from law and are an extension to the basic rights which man enjoys. Contemporary exponents of Locke argue that rights do not have to be specified as they are all derived from the basic, equal right to freedom (Barry 1988:191). In fact civil laws are made with the sole purpose of expanding man's basic freedom :

The end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all states of created things, capable of laws, where there is no law there is no freedom. For liberty is to be free from restraint and violence from others. (S T Chap 6 sec 57)

Furthermore these laws must be established by those in society or the government as Locke wrote in his journal on May 21,1678 :

A civil law is nothing but the agreement of a society of men either by themselves, or one or more authorised by them; determining rights and appointing rewards and punishments to certain actions of all within society (As quoted in Tully 1980:165).

It is then the duty of the governing powers to distribute to each member in the society the right to life, liberty and the requisite goods.

It is the duty of the civil magistrate, by the impartial execution of equal laws to secure unto all the people in general, and to every one of his subjects in particular the just possession of these things belonging to this life. If any one presumes to violate the laws of public justice and equity, established for the preservation of these things, his presumption is to be checked by the fear of punishment, consisting in the deprivation or diminution of those civil interests, or goods, which he otherwise he might and ought to enjoy (A letter concerning Toleration page 17).

The goods which man normally ought to enjoy is describe by Locke as :

life, liberty, health and indolency of body; and the possessions of outward things such as money, lands, houses, furniture, and the like (ibid page 15).

For Locke, human (civil) rights are derived from the institutions which are created to preserve natural rights. I disagree with Cranston who considers human rights merely to be a more modern term for natural rights. (Laqueur 1979:19)

Human rights cannot be built on human opinion or social values as these are not permanent. Human Rights must be permanent. But Locke was not able to fall back on scripture to support his views on civil or human rights because "The bible does not provide us with a ready-made model for a bill of human rights. Yet, on a basis of man's various relationships and the mandates and calling he has received from God, we are able to indicate certain essential rights (which always include specific obligations)" (DRC 1977:30). It is not possible to hunt through the scriptures to find isolated sections which endorse this right or that right. Nevertheless Locke found that rights are an undeniable implication of Biblical teaching. We need to look at the Bible as a whole to see what it teaches about mankind and God's requirements of him. It seems to me that the Bible does support basic rights such as life and even

freedom in that freedom is needed if man is to exercise his will. Jesus defines much of his mission in terms of freedom. "He has chosen me and sent me to bring good news to the poor, to heal the broken hearted, to announce release to the captives and freedom to those in prison" (Isaiah 61:1).

There are sections of scripture that tie in with Human Rights even if these sections are not rights or demands. These sections deal with attitudes to other people. One example is "In everything, do to others what you would have them do to you, for this sums up the Law and the prophets (Matthew 7:12).

According to Locke, mankind is created in the image of God.:

The words are : "And God said, Let us make man in our image, after our likeness, and let them dominion over the fish", etc. (F T chap 4 sec 30)

This has become the theological justification of Human Rights for those who have rejected Locke's theory of the state of nature. Elaine Pagels, professor of History and religion at the Columbia University, gives a slightly different angle : "Where, then, do we get the idea on which contemporary human rights theory rests; that ultimate value resides in the individual, independent from or even prior to participation in any social collective? The earliest suggestion of this idea occurs in the Hebrew account which describes Adam, whose name means "humanity", as being created in the 'image of God"...This account implies the essential quality of all human beings, and supports the idea of rights that all enjoy by virtue of their common humanity" (Montgomery 1986:206). In my opinion, Human Rights are based in God's will for man (natural law) made in his image. Further modern theological recognition of human rights is found in the three elements of Christian love : equality, respect and perception of modern needs. Equality because rights are possessed by all, respect because rights help preserve human dignity and perception of common needs as rights protect the individual in society.

The liberal goal of free development of the individual personality implies rights to the resources which allows the individual to develop. Rights are always asserted defensively against an individuals private interest (Barry 1981:183). Over time, however, there has been a trend to raise the importance of rights to the extent that they are now interpreted as legitimate claims on the government. I divide these new extended rights into three categories :

Social Rights; This includes economic rights, the right to education, living wages and the basic rights that are espoused as needs in Maslow's famous Hierachy of Needs.

Civil Rights: This encompasses the freedom of association, movement, expression, for example.

Political Rights: This is the right to vote and the right to be able to stand for election.

However, some of rights which are expounded today are not really rights at all. The elaboration of rights usually stem from those who feel they have been denied certain "rights" which they are entitled to. Often these include racial minorities, homosexuals, women, etc. For instance the 1948 Declaration of Human Rights includes, paid holidays, participation in the scientific affairs of one's community, etc. These are not human rights but rights which pertain to institutions and particular arrangements within a society. However there are other which are included which are morally required taking into account the complexity of human life. Among these are the right to vote, etc. (Melden 1977:180)

Similarly Locke specifies few rights outside the three basic rights of Life, freedom and property. In the same way that he took Biblical teaching as a whole, we need to take Locke's teaching as a whole to see what other rights his writings support. We need not look for isolated sections of Locke's writings to support this or that right. In looking at human rights in the light of Locke's political philosophy, we must therefore consider them in relation to his works as a whole. Rights are not static. They are not all the same in all places and for all time. The moral rights of 20th Century man in England differs from rights of Englishman in 1688. One such example is the right to vote.

Romans had citizen rights. In the Biblical text St. Paul was a citizen of no actual city, yet he appealed to Caesar and Pontius Fester had no choice but to send Paul to Rome to appeal against his sentence. One of the earliest uses of the term Human Rights can be found in the writings of Tertullian in AD 212 when he appealed to the Roman Proconsul Scapula on the question of religious freedom : "It is a basic fundamental human right, a privilege of nature, that all beings should worship according to their own convictions" (as quoted in Swidler 1986:vii). Christian Thomasius (1655-1728), made a distinction between natural rights which are inherent in man and rights acquired from human law, a distinction I will be making in this thesis.

Philosophers have since divided rights into two categories, namely substantive and procedural while the Catholic Jacques Maritain in particular divided substantive into three categories. These being the rights of the human, civic and social person. Procedural rights are encapsulated by the rule of law of which A.V. Dicey's 1885's exposition is the most famous. In principle the rule of law states that when formulating legislation, a government must take into account certain fundamental human rights. The most crucial of these is that no one's freedom may be restricted without recourse to an independent judicial system.

The natural rights of man are the basis for all civil rights. According to Locke, civil rights arise from the institutions which are created for the preserve of mans natural rights:

... For law in its true notion, is not so much the limitation as the direction of a free and intelligent agent to his proper interest, and prescribes no farther than is for the general good of those under the law. Could they be happier without it, as a useless thing, would of itself vanish; and that ill deserves the name of confinement which hedges us in only from bogs and precipices. So that however it may be mistaken, the end of law is not to abolish or restrain, but to preserve, and enlarge freedom. ( S T chap 6 sec 57)



Therefore law actually enlarges freedom which is one of the basic rights of mankind. It is logical to accept that the basic rights of mankind are expanded to other areas of human experience such as freedom of the body, mind and conscience. These extended rights must, however, be in accordance and not conflict with other basic or natural rights of life, freedom and property. Locke clearly stated that :

... men are naturally in, and that is, a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature without asking leave or depending upon the will of any other man. (S T chap 2 sec 4)

Mankind therefore has the right to do with himself/herself whatever they like provided that it is within the law of nature. Such freedom would include freedom of occupation, freedom of association, religious freedom, to learn and to have pleasure as well as the right to expression or freedom of speech..

It is the principle of rights, which I believe is the key to Locke's political theory. Dennis Davis, a senior lecturer in law at the University of Cape Town claims that the very notation of Human Rights derives from the individualistic liberal theories whose roots can generally be traced back to John Locke (Davies 1981:15). He also claims that the theories of Locke, which still permeate today's thoughts on Human Rights, are too individualistic and thus have become an anachronism in our welfare societies. (Davies 1981:16). However, Davies seems to overlook the fact that the welfare state evolved from Locke's theories. Pull out Locke's theories and the concept of a welfare state is undermined.

I base this on the fact that in the late nineteenth century, liberalism came to realise that the rights of the individual were meaningless unless the individual was in a position to claim them. Illness, poverty, misfortune and lack of education were among the factors which hindered enjoyment of natural rights. A redistribution of resources by the community through the state was seen to be the answer. This would mean that the state had to provide employment, or at least unemployment benefits, pensions, education facilities and medical care.



"If there are no rights, Locke's Treatise must obviously be dismissed as meaningless nonsense. On the other hand, if there are rights we need not worry too much about whether Locke is correct in all particulars about the list of rights which he assigns to men. What is important and valuable about his theory is that he recognises that man is a moral being and that the state, therefore, should be a moral institution". (Jones 1980:215) One indication of a moral state would be it's adherence to the Rule of Law. This means that no power can be exercised unless it is granted by law. Even the most humble citizen would be able to find redress against any other irrespective of that person's status. The Rule of Law has the effect of entering the rights of the individual. It is the legal protection for the rights of the individual to hold minority views and express them, to hold property and to have the right to a fair trial as is the freedom of the press and fair electoral procedures (Wilson 1987:125). The United Nations Universal Declarations of Human Rights which was referred to earlier in this chapter, has in sections 3 to 15, specific individual rights.

Religious tolerance was in many ways the forerunner of wider application of Freedom and was the first civil liberty to get widespread approval. In fact one of the few rights that Locke identifies is that of the freedom of worship. The concept of religious freedom was a new concept. In fact in AD 212 Tertullian wrote to the Roman Proconsul Scapula "It is a fundamental right, a privilege of nature, that all human beings should worship according to their own convictions" (quoted in Swidler 1986:vii). According to Galston, Locke gives five arguments in favour of toleration, namely ontological neutrality, epistemological neutrality, character-based neutrality, rights-based neutrality and prudential neutrality (Galston 1986:3-4), to which I have added a sixth.

Firstly, he argues that genuine worship requires sincere belief. Because genuine worship is required for salvation, any attempt to interfere with worship means that there is an attempt to replace God. No one is able to accept responsibility for the beliefs of another and it is outside the legitimate powers of a government which are to look after civil interests and therefore have no right to interfere with the church :

The commonwealth seems to me to be a society of men constituted only for the procuring, preserving and advancing their own civil interests. Civil interests I call life, liberty, health and indolency of body; and the possession of outwards things such as money, lands, houses, furniture, and the like (A letter on Toleration sec 3)

Secondly, Locke claims that the state cannot know what is a right opinion and which is error. The state has no objective yardstick and therefore cannot take sides. This does not mean that there is no right or wrong but it means that there is no one on earth that can judge :

For this would certainly do well enough if she were once left to shift for herself. She has not received, and never will receive, much assistance from the power of great men, who do not always recognise or welcome her (Second Letter on Toleration as quoted in Parry 1978:86)

In short, the search for true salvation is the individual's personal affair. Individuals join the church on a voluntary basis just as they join any other organisation :

Let us now consider what a church is. A church is, then, I take to be a voluntary society of men, joining themselves together of their own accord in order to the public worshipping of God in such a manner as they judge acceptable to Him, and effectual to the salvation of their souls. I say it is free and voluntary society. No one is born a member of a church...No man by nature is bound unto any particular church or sect, but everyone joins himself voluntarily to that society in which he believes he has found that profession and worship which is truly acceptable to God. (ibid sec 4)

No government or any other secular power has the right to compel any person to belong to a church. Joining a church is the individual's own decision and is a private affair of the individual conscience. A decision will be borne out of mankind's free desire to publicly worship God. A church does not originate from mankind trying to be sociable :

It appears not that God has ever given any such authority to one man over another as to compel anyone to his religion. Nor can such power be vested in the

magistrate by the consent of the people, because no man can so far abandon the care of his own salvation as blindly to leave the choice of any other (ibid :3).

Similarly no one can force a ceremony on a church. The actions of a church must be in accordance with the will of God and not that of sinful man. The rites and ceremonies of the church are separate from civil society and does not concern the world as a whole. No individual has the right to meddle and neither does the magistrate have the right, even if he is a member of the church :

Concerning outward worship, I say, in the first place, that the magistrate has no power to enforce by law, either in his own church, or much less in another, the use of any rites or ceremonies whatsoever in the worship of God. ( ibid :11)

Thirdly, Locke believed that the self-appointed guardians of orthodoxy tended to be more interested in cruelty and the lust for power than a love for truth and the desire to save souls.

Fourthly, Locke turns to a political argument when he refers to the fact that individuals enter civil society to protect their person and possessions. The state has no further jurisdiction than this :

the whole jurisdiction of the Magistrate reaches only to their Civil Concernments (and) neither can nor ought in any manner to be extended to the salvation of souls. (A letter concerning Toleration as quoted in Galston 1986:3)

Fifthly, Locke again turns to a political argument when he points out that history has shown that whenever there are religious differences and the state attempts to bring about unity, it results in unrest and war.

Finally it is also true that we can never be sure that our own opinion is in fact the correct one. Just because another person's religious views differ from ours it does not mean he is a heretic :

We should do well to commiserate our mutual ignorance and endeavour to remove all it in a gentle and fair ways of communication; and not instantly treat others ill as obstinate and perverse because they will not renounce their own and receive our opinions ( As quoted in O'Conner 1967:225).

Despite this Locke did not believe in unlimited freedom of religious opinions. Civil magistrates have the right to take action if the practises of any religious group pose a threat to the stable order of society or if their actions are illegal. Nevertheless where the magistrate encroaches into moral behaviour and it is no threat to society, this is seen as an injustice.

He does not extend religious freedom to Roman Catholics because they owe their allegiance to a foreign ruler who caused monarchs to lose their crown if he chose to excommunicate them. This view is largely unacceptable now as the Catholic Church of today no longer has political aspirations. Taking into account the situation in Locke's day, it is understandable that Locke excluded Roman Catholics from any religious freedom because they owe their allegiance to a foreign power, namely the Vatican which was thought to pose a threat to British Society. Since the Restoration the two kings, Charles and James had both attempted to extend the influence of Catholics to undermine the political power of the Anglican clergy. In 1700 an Act Against Popery was passed with the idea of preventing the growth of popery and to make such an aim to be treason against the king and conscience or intellectual freedom but it was political and related to the extent of civil power over religious affairs. In 1659 Locke wrote to Henry Stubbe criticizing Stubbe's view on allowing Catholics religious freedom which highlights Locke's concern with the safety of the state with regard to Catholics :

The only scruple I have is how the liberty you grant the Papists can consist with the security of the Nation (as quoted in van Leyden 1954:21).

Locke also excluded atheists from toleration. Firstly because a person has no right to disbelieve in God since belief in God is the foundation of all Morality. Secondly because they are not obligated to keep their word (although Locke does not say why this should be) and will attempt to undermine religion :

Lastly those are not at all to be tolerated who deny the being of God. Promises, covenants and oaths, which are the bonds of human society, can have no hold on an atheist. The taking away of God, though that by their atheism undermine, and destroy all religion, can have no pretence of religion whereupon to challenge the privilege of toleration. (A letter concerning toleration, page 18).

Another human right that we can identify in the writings of Locke is that of the freedom of the body. This freedom is an extension to the right to life. I base this on the following passage already quoted from Locke that states :

Though the earth and all inferior be common to all men, yet every man has a property in his own person. Nobody has the right to but himself. (Second Treatise chap 5 sec 27).

I therefore conclude that man not only has a right to life but also to his being. Locke also believes that man has a right to happiness :

Nature has put into man a desire for happiness and an aversion to misery; these are indeed innate practical principles (as quoted in Strauss 1952:226).

Leo Strauss in his book "Natural Right and History" has restated the above quote from Locke as "the desire for happiness and pursuit of happiness have the character of an absolute right, a natural right" (Strauss 1952:226). We can deduce from the fact that Locke saw the pursuit of happiness as one of the strongest driving forces in man that natural rights have. To be happy, man needs to have certain actions open to him. In other words he must have the right to the freedom of making his own choices in his live. He should have the right to marry whom he chooses, the freedom to choose the occupation he desires, freedom of movement, for example.

It has already been established that Locke considers all men to be equal. As rational creatures created by God, men are equal with one another, equal in their entitlements and equal in duties :

To understand political power aright, and derive it from its original, we must consider what estate all men are naturall in, and that is, a state of perfect freedom ... A state also of equality, wherein all the power and jurisdiction is reciprocal. No one having more power than another, there being nothing more evident than that creatures promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal amongst another, without subordination or subjection (Second Treatise Chap 2 sec 4).

It is in this equality of right and duty that humans confront each other as creatures of God in the State of Nature. This can be supported in scripture in Job 31:13-15: "When one of my servants complained against me, I would listen and treat him fairly. If I did not, how could I face God? What could I say when God came to judge me? The same God who created me created my servants." Therefore all are created equal.

From the state of nature John Locke builds his version of equal autonomy among subjects. The reason why men are equal is their shared position in the normative order, the order of creation. I have already touched on the fact that John Locke speaks of his right of every man by the labour of his body and the work of his hands to acquire land and other property which are not already owned by another. The reality is that there is a division of labour in society and that land is not equally distributed yet it must be possible for every man to receive his due in such a way that it provides autonomy for all. This autonomy principle was based on individuals as ends in themselves. Every individual has a duty to be selfreliant and help others to become so. No man is entitled to property if that property infringes upon the rights of others, nor can an individual take more than he can use so that others may also obtain it through their labour.

Despite his affirmation to equality, Locke quite happily accepts the inequalities of his day :

Master and servant are names as old as history, but given to those far different condition; for a free man makes himself a servant to another by selling him for a certain time the service he undertakes to do in exchange for wages he is to recover; and though this commonly puts him in to the family of his master, and



under the ordinary discipline thereof, yet it gives the master but a temporary power over him, and no greater than what is contained in the contract between them. there is another sort of servant which we by a peculiar name we call slaves, who being captives taken in a just war, are by right of nature, subjected to the absolute dominion and arbitrary power of their master. These men having, as I say, forfeited their lives and, with it, their liberties, and lost their estates, and being in the state of slavery, not capable of any property, cannot in that state be considered as any part of civil society, the chief end whereof is the preservation of property. (ST chap 7 sec 85)

In the above passage Locke accepts the position of a slave quite happily. Today there are few who could morally defend the position of a slave. Why does Locke condone such action? The answer is that Locke was a man of his times. In my opinion Locke did not consider every one to be totally equal. He quite clearly states:

That all men by nature are equal, I cannot be supposed to understand all sorts of equality. Age or virtue may give men a just precedency. Excellency of parts and merit may place others above common level. Birth may subject some, and alliance or benefit others, to pay observance to those to whom nature, gratitude or other respects may have made its due... (Second Treatise chap 6 sec 54).

Therefore despite the fact that within the state of nature, all men are created equal, we find that as men carry out their individual lives in the societies in which they find themselves change and extend in time. As this occurs so inequalities appear.

Freedom of Speech is a true Lockean concept which, like so many other twentieth century rights, did not receive actual attention from Locke. Nowhere do we find any reference to this concept in his writings. However toleration would seem to imply that mankind has the right to express their views and convictions without fear. This, to me, is in fact freedom of speech which in today's world would extend into freedom of the press and the ability to question the government. However freedom of speech and enquiry cannot be without restraint as the privacy of individuals must be respected.



Locke clearly believed in a freedom of economic pursuit and a freedom in the use of money :

In domestic affairs, in the management of estates, in matters of bodily health, every man is entitled to consider what suits his own convenience, and follow whatever course he judges best. No man complains of the bad management of his neighbours affairs. No man is angry with another for an error committed in sowing his lands or marrying his daughter. Nobody corrects a spendthrift for consuming his substance in taverns. Let any man pull down, or build, or incur whatever he pleases, nobody mummurs, nobody forbids him (Second Letter on Toleration page 89 as quoted in Parry 1978:87).

Political freedom means the power to take part in the political process. Since the times of Mary Tudor the English had been in fear of the Roman Catholic Church once again reaching a dominant position in England. This would have put the country in danger of becoming subject to a foreign power. This threat was at its height during the Spanish Armada. Locke followed this thought when he claimed that Catholics owe their allegiance to a foreign ruler who caused monarchs to lose their crown if he chose to excommunicate them. Although it is an unacceptable view today, it is quite understandable that Locke excludes Roman Catholics from any political office as they owe their allegiance to a foreign power, namely the Vatican.

Today this argument is not valid because although the Pope is the head of an independent Theocratic state he does not have political power over Catholics outside the Vatican. However there have been those who use Locke's approach to Catholicism to justify the banning of communist parties on the basis that communists owe their allegiance to Moscow (O'Connor 1967:214). On the same page O'Connor continues "...here is an awkward dilemma which Locke does not discuss. If we tolerate a religious or political sect which does not itself tolerate opinions at variance with its own, we may soon find that sect dominant in our society". Yet Locke does maintain that anything which threatens the stability of the state cannot have unlimited freedom. This concept is found where Locke is dealing with the toleration of atheists :

... if they do not tend to establish domination over others, or civil impunity to the Church in which they are taught, therefore there can be no reason why they should be not tolerated ( A letter concerning toleration page 18).

Therefore the individual has a right to political freedom provided he does not threaten society.

Political freedom means that the individual has the right to an education which enables a person to express points of view and also has the right to obtain honest news so that informed political decisions can be taken. In today's societies and especially in third world countries the right to education is a predominant right.

So far it would seem that all rights being claimed in the late twentieth century not only have their foundation in Locke but that Locke directly or indirectly supports each claim. However, this is not the case. In today's society, health has become a right claimed by the individual from the state. From the above it would seem that this is a reasonable right to claim. However, if we read his Letter on Toleration, Locke clearly shows that he considers the health of the individual to be outside the concern of the State :

The care, therefore, of every man's soul belongs to himself, and is to be left to him. You will say: What if he neglects his soul? I will answer: What if he neglect the care of his health or his estate, things which more nearly concern the government or the magistrate? Shall the magistrate provide by an express law against such man becoming poor or sick? Laws endeavour, as far as possible, to protect the goods and the health of subjects from violence of others, or from fraud, not from negligence or prodigality of the owners themselves. No man against his will can be forced to be healthy or rich ( A Second Letter concerning Toleration page 91 as Quoted in Parry 1978:87)

Parry takes the above passage to mean that Locke would be against a national health scheme or a national pension fund. But if Locke is a man of his times, as we seem to think then I do not think that he would oppose such schemes in today's society.

The list of human rights claimed today are endless but in this section I have attempted to address the most important human rights which have some origination in Lockes writings. Today human rights start, as they did with Locke, with the recognition of human life. However, this goes further than Locke in recognising the whole and total human person. I includes their physical and emotional needs, health, personal dignity, freedom to live their lives to the full and so that they can make a contribution to society.

#### 4.7 OPPOSITION TO GOVERNMENT

Power is entrusted to a government by the people so that it could be used to protect their property. When the government abuses this trust the people are entitled to take action. When considering what action is open to the people in terms of Locke's writings, we can follow a progressive move in earnestness and determination. Firstly the individual can register a protest through the action of leaving the country and starting a new life elsewhere. Should a person be unable to emigrate or choose not to do so, he may protest by embarking on a disobedience campaign. This involves breaking unjust laws by ignoring them, but excludes violence. Finally the most serious protest is through violence which leads to revolution and the overthrow of the rulers. Although this applies to the people as a whole it applies equally to the individual. I believe that the individual oppressed by the government has a right to disobey their commands, break their laws, rebel and replace the leader.

Locke considered emigration as a necessary condition of legitimate power as it gives each citizen the choice of rulers.

Except for God, Locke regards the legislature as supreme although it is obliged to rule in accordance with the law of nature. The authority to make laws was delegated by the people. The legislature therefore cannot hand over this authority to others. If the government tries to pass on the power of making laws to others, the people have a right to act against the government as it has then moved beyond its powers.

The authority of the legislature is but a trust to be used for the preservation of the civil society. If this aim is neglected or opposed, the people then have the supreme power to dismiss or change the legislature. Therefore the supreme power to remove or alter the legislature remains with the people, when they find the legislature has acted contrary to the trust placed in it. If there is a conflict then it is up to the people to reinstate the legislature even if this means using force. Rebellion against a tyranny is no offence. It must not be construed, however that the supreme power of the people means that the people have legal sovereignty. This overriding power is dormant and can only be activated when the government is dissolved.

A government is not free to do as it pleases, the law of nature is for all people. It is up to the people to ensure that this law is preserved. The individual needs to be protected against interference in his liberty and property by the government. If it is broken then the people have the right to rebel. If a government acts tyrannically, it is the government which is guilty of rebellion and not the subjects who resist it (Volton 1969:54). There is no justification needed for the revolution. It is not the people who have rebelled but the government:

And whosoever in Authority exceeds the power given to him by the Law, and makes use of that force he has under his command, to compass that upon the subject, which law allows, not, ceases in that to be a magistrate, and acting without authority, may be opposed, as any other man, who by force invades the right of another (ST chap 18 sec 202).

Locke continues in the next chapter :

The reason why men enter into society is the preservation of their property...whenever the legislatures endeavour to take away and destroy the property of the people, or reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolute from any farther obedience, and are left for all men against force and violence. (ST chap 19 sec 222).

When the government is charged with tyranny, neither Parliament nor any court is entitled to settle the dispute. (Franklin 1978:95). The people, however, are entitled to protect what is rightfully theirs. That is, their rights as under the state of nature. Under the law of nature Locke has stated that one must preserve one's own life and in order to do that it is important to respect the rights of others to do likewise. Locke goes further, however, to point out that it is the duty of the individual to come to the assistance of others who have their preservation threatened. The only restraining factor is that the person going to assist does not put his life at risk. This means of course that where a member of society is being oppressed or his inalienable rights are threatened then others in society must assist even when this results in the overthrow of the rulers. This action can be only by the majority otherwise society will fall to ruin. A minority has a right to persuasion only. Monarchs, rulers or leaders are as sinful as the next person and sooner or later the power conferred upon them will be abused. This leads to revolution.

Any breach of trust by the ruling power gives the people the right to revolt and to change the form of the government itself if necessary. This does not mean, however, that every little fault perceived in the government should give rise to rebellion :

... revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling party, many wrongs and inconvenient laws, and all the slips of human frailty will be borne by the people without mutiny or murmur.... (ST chap 19 sec 225)

But where people are confronted with a calculated design to subvert its constitution and reduce it to a state of servitude, revolution is appropriate :

... But if a long train of abuses, prevarications, and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see wither they are going, it is not to be wondered that they should rouse themselves, and endeavour to put the rule into such hands which may secure to them such ends for which government was at first erected...(ST chap 19 sec 225)

Under any of the above conditions, the consequence is a state of war between the government and the community. In the aftermath, the community can choose whatever form of government best suits it's needs and is released from all obligation to the former government :

When the government is dissolved, the people are at liberty to provide for themselves by erecting a new legislative differing from the other by the change of persons, or form, or both, as they shall find it most for their own safety and good. (ST chap 19 sec 220)

At no stage, however, did Locke ever suggest that dissolution would ever result in a reversion to a state of nature. In fact he indicated just the opposite :

The power that every individual gave the society when he entered into it can never revert to the individual again, as long as society lasts, but will always remain in community..(ST chap 19 sec 243)

The right of people to judge whether they have a just cause to make their appeal to heaven (ie. to launch a revolution) belongs to them by a law antecedent and paramount to all positive laws of men ( Gough 1969:21). However, there are those who will attempt to rebel whether they have a just cause or not and they, according to Locke, are the most guilty :

Whoever, either ruler or subject, by force goes about to invade the rights of either prince or people, and lays the foundation for overturning the constitution and frame of any just government, he is guilty of the greatest crime I think man is capable of. (ST chap 19 sec 231)

If we followed Hobbes' theory on a single contract for the establishment of a political society and government, then the overthrow of the government means the dissolution of the political society in question. Locke's two contract theories, however, mean that the overthrow of the government leaves the political society intact and a new government can be set up. Obviously if the society is dissolved, then the ruler ceases to rule.



... distinguish between the dissolution of the society and the dissolution of government... Whenever the society is dissolved it is certain the government of that society cannot remain. (ST chap 19 sec 211).

Locke also concluded that when people are forced to submit to the government of their conquerors, their descendants have a right to overthrow the alien government to regain their property. Here Locke comes under criticism for not differentiating between the right of the individual to his property and the claim of the government to establish political power on conquest. (Gough 1969:89)

Locke's theory of dissolution was rejected by his contemporaries, nevertheless Locke held fast to his concepts. He knew that he had found the only solution to the problem of resistance in a mixed constitution. Locke had anticipated this rejection and had sought to reassure them that people did not change easily and therefore would return to a similar form of constitution :

"This slowness and aversion in the people to quit their old constitutions has, in the many revolutions which have been seen in the Kingdom, ...still brought us back again to our old legislative of King, Lords and Commons: And whatever provocations have made the Crown to be taken from some of our Princes heads, they never carried the People so far, as to place it in another line" (ST chap 19 sec 223).

Locke was also aware that his thesis was dangerous and therefore he concealed his authorship even from his closest friends.

It is true that the Whigs of Locke's day wanted major institutional changes. They were fearful that the King would subvert parliament. This was another motive for Locke's persistence in his view of dissolution. He was not afraid in 1689 to have a national convention to assert constituent authority. He was in favour of one to enact constitutional reforms that he considered indispensable as guarantees to public liberty. (Franklin 1978:117) In a letter to Edward Clark, Locke wrote :

"An opportunity offered to find remedies and set up a constitution that may be lasting, for the security of the civil right, and the liberty and property of all the subjects of the nation. These are thoughts worthy



such a convention as this, which, if (as men suspect here) they think of themselves in parliament, and put themselves into the slow method of proceeding therein ... they will let slip an opportunity".

Despite the use of Locke's theories to justify violent revolution, Locke did not support violence to retain rights :

All the rights and franchises that belong to him as a man, or as a denizen, are inviolably to be preserved by him. No violence nor injury is to be offered to him (LIT page 6).

## 5. THEOPOLITY IN THE TWENTIETH CENTURY

### 5.1 SINCE 1945

Liberalism has been slowly losing ground since its heyday of the late 19th Century and early 20th Century. It has become fragmented and is often merely a defence for the status quo. The resurgence of Marxism in the 1970 and 1980's has not been helpful to liberalism. It is also attacked from the right as being weak and ineffective. Conservative World Leaders such as Ronald Reagan have done nothing to enhance the stature of Liberalism. Even Mrs. Thatcher who has been identified as part of the New Right which sprung from Classic Liberalism, has tried to dismantle many citizenship rights and reintroduce social discipline. But both these approaches have gone too far. I believe that Marxist countries will have to find a way to reintroduce civil liberties and the Conservative powers will have to find a way to introduce limited ownership. These two moves would bring both factions closer to what John Locke was trying to teach.

Over the past few decades there has been a shift from liberalism to socialism both within the democratic framework as well as without. While it is true that John Locke can be seen as the father of Liberalism, this ideology is only one aspect of his Theopolity. So while liberalism as a whole has declined, Locke's Theopolity with its cornerstone of Rights has gradually, since 1945, been in the ascent. Theopolity thus transcends ideologies. This modern renewal of Theopolity has had a new tendency toward a non-Marxist, democratic socialism.

Arguably the New Right has been the dominant Political Ideology of the 1980's. While the New Left of the 1960's and early 70's attacked the principles of liberalism, the New Rights has actually adopted the values of Classic Liberalism. The New Left opposed the liberal tendency towards materialism and it's defence of property. It also accused the individualism of Liberalism of setting individual against individual which in effect divided society thus making the individual open to

manipulation and control by the State. With respect to consent which is a hallmark of Locke's Theopolity, the New Left maintains that this is given by the people only because they have been socialised and indoctrinated in the values of the liberal industrial society.

The New Right on the other hand has modified the principles of 20th Century Liberalism in two ways which I believe brings it closer to Locke's Theopolity with it's emphasis on freedom and individualism. Firstly it has taken equal opportunity to become relative equal opportunity. In his Second Treatise chap 6 sec 54, Locke accepted that, despite the fact that within the state of nature all individuals are created equal, inequalities appear as mankind carries out their individual lives. They then use their relative powers to obtain what they want, need or desire. Because of their inequality now, they only have comparative equality of opportunity.

Secondly the New Right claims that while individuals have a right to the protection of their property and while each individual must have responsibility to their neighbour, this does not mean that the individual is responsible for their neighbour's well being. For instance, one person should not be taxed to subsidise another. I consider this to be in line with Locke's thoughts, as nowhere that I could discover, did Locke actually suggest that one person's possessions could be taken to be given to another, even if the second person was in need. Locke did teach, however that one should not appropriate possessions at the expense of another. But even while this may have been relevant in Locke's day, the impact is lost in the Twentieth Century economy.

It is on these grounds that I maintain that John Locke is as relevant for today as he ever was and that the movement in the area of individual rights throughout the world and the emergence of the New Right in Britain, is a vindication of the practical nature of Locke's Theopolity. While it may or may not be true that liberalism has now reached its nadir, the new interest in Locke generated by Nozick and others again shows that Locke's political theories are not merely liberal ideology. In reality I believe that Locke's Theopolity does not rest on what ideology

a government has as its official policy but is interested in ensuring that Basic Rights are upheld. To this extent we need to see the relevance of Locke's theories for today by examining the world response to Human Rights.

The centrality of Human Rights in politics has, since Locke, continued to play a key role in the political history of countries. The first was possibly the Declaration of Independence in America dated 1776. While Locke's natural rights were life, liberty and property, the Declaration listed rights as being life, liberty and the pursuit of happiness thus omitting Locke's most controversial right, property. The Declaration so followed Locke in acknowledging that these rights had been endowed upon man by God. In 1789 the French national Assembly endorsed the Declaration of Rights of man and of citizens which listed basic rights as liberty, property, security and resistance of oppression. This was further from Locke but not without Lockean influence. It also moved away from Locke in its origin of these rights. It claims (as quoted in Melden 1979:185) "in the presence of the Supreme Being" that there are certain "sacred rights of men and citizens".

This early appreciation of human rights in the 18th Century has been seen as the first generation of human rights and dubbed Civil Liberties by the French Jurist Karel Vasak. Taking its cue from Locke, these rights tended to be negative. In other words they dealt with freedom from the interference of others. This covered equality in law and government by consent. The second generation of rights find their origin in the social traditions and Marxian socialism of the next century. Based on equality, they refer to economic, social and cultural rights. These include the rights to housing, employment, medical care and welfare. They are more positive than the first generation but less practical. Since 1945 rights have moved into a more nebulous and controversial area of rights which cover the environment, peace, for example. These are known as Solidarity Rights. This third generation of rights has included, however, the practical rights for workers, women and minorities.

The forerunner of the contemporary trend towards Rights and Human rights was perhaps President Roosevelt's Four Freedoms proclaimed to the United States Congress in 1941. The freedom which he advocated was a freedom of expression and speech, freedom to worship God, freedom from want and a freedom from fear. This freedom is not far from the freedom that Locke espoused. In fact Bertrand Russell wrote in 1946 "Ever since his time, those who considered themselves reformers have been divided into two groups, those who followed him (Rousseau) and those who followed Locke. Sometimes they co-operated, and many individuals saw no incompatibility. But gradually the incompatibility has become increasingly evident. At the present time, Hitler is the outcome of Rousseau; Roosevelt and Churchill, of Locke" (as quoted in Wright 1978:161).

The holocaust in Nazi Germany and the second World War with its destruction of 6 million Jews and other minorities, led to the formation of the United Nations. After its establishment, Churchill remarked that its single most important task was to enthrone Human Rights. The euphoria generated by the United Nations Declaration of Human Rights in 1948 and the gradual de-colonisation of the still colonised countries gave rise to renewed thinking related to Natural Law (Crowe 1977:251). This Declaration, from which South Africa and Saudi Arabia abstained, was somewhat generous in its inclusions. The classic small list of essential rights had grown into a large bundle of rights. Besides economic rights, human rights expanded to include the right to leisure, rest holidays with pay, for example. Many of these rights, as I have already pointed out, relate to institutional matters and not to human beings. The Declaration failed to identify the origin of these rights. However the major author of the Declaration, Rene Cassim, locates its ideological roots in the Ten Commandments of the Old Testament. (Montgomery 1986:30).

In Europe there arose a parallel reaction to the inhumanities of the Second World War. In 1950 European states ratified the European Convention on Human Rights. This has led to possibly the most effective implementation of Human Rights as it has a tribunal which is able to make legal resolutions and judgement. It has been stated that this system is the best yet established in our imperfect world. Part of its success

must be due to the shared values of the European States, all of them deriving their legal systems from biblically based common law and moral orientated from scripture. (Montgomery 1986:44)

However, the immense physical and moral destruction wrought by the Second World War not only resulted in renewed interest in Human Rights, but it also refuted many of the political illusions held by both the right and left wing revolutionaries. For instance Europe showed a turn about towards more realistic understanding of political freedom and human dignity as well as the moral values of democracy. This upsurge of basically Lockean thought was boosted by an unprecedented economic resurgence of the Western European economy.

Europe was not the only continent effected by the War and from 1945 onwards, Lockean thought once again became a focal point in world politics. Cyril Connolly wrote, "While we re-live the horrors of the Dark Ages, of absolute states and ideological wars, the old platitudes of liberalism loom up in all their glory, familiar streets as we reel home furious in the dawn" but this new liberalism was "a betrayal perpetrated and endorsed by people who claimed to be liberals inheriting and invoking the traditions of Locke ..." (Arblaster 1984:310). However this negative and conservative revival of liberalism and Lockean thought in the 1950's and 60's has given way to a different type of revival since the late 60's.

Since the late 60's, individual rights have been extended to national and group rights. In 1975 the General Assembly of the United Nations adopted a resolution which referred to inalienable national rights in respect of the Palestinian people.

Another milestone in the history of Human Rights was also written in 1975 when Romania signed the Helsinki Agreement. This agreement was a Declaration on security and co-operation and part of it read "The participating states will respect human rights and fundamental freedoms of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion". Yet Romania has continued to

close church buildings and suspend ministers and made individuals swear loyalty to the internal policies of the communist party. All this despite the undertakings in the Helsinki Document. (Scott 1983:2).

Therefore pieces of paper with guarantees of rights are meaningless unless the government of the day actively follows its undertakings. The plethora of conferences and treaties has still not resolved the practical boundaries of Human Rights and how to ensure that governments adhere to their guarantees of rights. Often these countries treat those who claim human rights as being subversive resulting in punishment and sometimes death. It seems that since 1945 the violation of Human Rights has increased both geographically and ideologically.

Not all countries ignore their undertakings. The United States of America reached its zenith in terms of Human Rights with the presidency of Jimmy Carter. Not only did Carter demand human rights in his own country, but also attempted to "encourage" other countries to follow. The three criteria that Cyrus Vance demanded in his foreign Policy was firstly the right to be free from governmental violation of the integrity of the person. Secondly there is the right to the fulfillment of such vital needs as food, shelter, health care and education. Finally he demanded the right to enjoy civil and political liberties. However, reality fell far short of the aspiration.

America was not alone in its quest for global respect for Human Rights. In the same year that Cyrus Vance outlined American foreign Policy, David Owen did the same for Britain. He maintained that Britain would take a stand for human rights for there could be no peace or stability without human rights being honoured.

Arguably the most important development in the post 1945 era was the inclusion of economic issue in Human Rights. Some 12 years after Roosevelt's four freedoms, Lin Sao-Ch'i, a Chinese politician, gave his own four freedoms which resulted in his expulsion from his political party by Mao Tsi Tung. This time freedom meant a freedom to rent and sell land, freedom to hire labour, freedom to engage in sideline economic pursuits and freedom to lend money at interest.



Besides being a right to economic freedom, the freedoms advocated by Lin Sao-Ch'i, amounted to the right of private property, a concept which Locke had advocated over 250 years earlier.

In 1971 John Rawls published his "A Theory of Justice" which was critical to the revival of the social contract theory. One of his critics Robert Nozick made an equally significant contribution in his book 'Anarchy, State and Utopia'. The Human Rights is central to Nozick's theory which is based on Locke's concept of minimal government. Nozick also succeeded in reviving Locke's concept of freedom. These two American Philosophers both attempt to discover a just social order. The dispute between these two authors over the nature of a just social order, seems to have the standing of the conflict between Hobbes and Locke.

## 5.2 CURRENT REFLECTIONS

In 1932 the 300th Anniversary of the birth of Locke was celebrated. At that time Locke was not considered to be a political thinker who attracted much notice for originality or who had created new or radical ideas. In fact in that same year the celebration of the birth of Spinoza attracted much more attention (Petzall 1937:5). "As a political thinker Locke has got today many disciples or admirers, and he does not even earn the kind of sniggering admiration often bestowed on Hobbes. (As a straight philosopher, of course, the founder of modern empiricist school, Locke is still widely acclaimed)" (Berki 1977:148). Berki also writes "There is a certain amount of notoriety attaching to Locke's views, partly on account of his notion of private property and partly on account of his obfuscations in his descriptions of civil obligation" (Berki 1977:146). In writing this Berki underestimated the recent revival in Lockean Philosophy.

The revival is largely attributable to Robert Nozick, the American philosopher who in 1974 published "Anarchy, State and Utopia". Dunn claims that it is only in the last few decades that aspects of Locke are

being understood due to the works of Richard Aaron, Hans Aarsleff, Philip Abrams, Richard Ashcraft, M. Ayers, Peter Laslett, Raymond Polin, James Tully, C.A. Viano, John Yolton and in particular W. von Leyden (Dunn 1979:192) To Dunn's list I would add C.B. Macpherson as well as Dunn himself. In 1977 Sir Frederick Pollock could write "(Locke's Two Treatises) are probably the most important contribution ever made to English Constitutional Law by an author who was not a lawyer by profession" (Crowe 1977:241).

Bertrand Russell (1872-1970), the English philosopher and atheist, wrote in 1945 "The only philosophy that affords a theoretical justification of democracy in its temper of mind, is empiricism. Locke, who may be regarded, so far as the modern world is concerned, as the founder of Empiricism, makes it clear how closely this is connected with his views on liberty and toleration ... he opposed a piecemeal and patchwork political doctrine, to be tested at each point by its success in practice. (Quoted in Ebenstein 1957:17). Russell queried whether, as Rawls did two decades later, the state of nature is not just an illustrative hypothesis rather than a historical fact. Russell then points out that Locke's theory is nothing but a repetition of medieval scholastic doctrine. Russell quotes Thomas Aquinas "Every law framed by mankind bears the character of a law exactly to that extent to which is derived from the law of nature." (Quoted in Ebenstein 1957:308). Russell sees Locke as a clear writer although he was not clear about why Locke wrote it. Russell queried Locke's theory outside the influence of theology. Locke saw that the moral rules had been laid down by God and are to be found in the Biblical Text. As an atheist, Russell disagrees.

Sir Karl Popper has made an extensive study of the scientific method and applied it to Political Theory. Among those he attacked in his book "The Open society and its enemies" (1945) were Plato, Hegel and Marx. Locke advocated minimal government with its main function to being the negative duty of protecting life, liberty and possessions based on the fact that men have natural rights. The right to the greatest possible freedom is second only to the right to life. In his book, Popper states "What do we demand from the state? What do we propose to consider as the

legitimate aim of the state? Why do we prefer to live in a well ordered state to living without a state, i.e. in anarchy? ... I am perfectly ready to see my own freedom of action somewhat curtailed by the state, provided I can obtain protection from that freedom which remains" (Quoted in De Crespigny 1975:162). Popper agrees with Locke that mankind is willing to forfeit some of his freedom to the state in order that the state can then protect the freedom that he still has. Protection of Locke's other two fundamental rights, namely, Life and Possessions is just as much a part of the deal according to Popper.

Hans Aarsleff complains that scholarship on Locke has been severely hampered by the deplorable state of Lockean texts. (Yolton 1969:270). A major recent step in this regard has been brought about by the 1960 edition of Locke's Two Treatise of Government by Peter Laslett. Also there have been a number of previously unpublished manuscripts from the Lovelace collection which were rediscovered in 1935. The most important publication, in terms of this thesis, has been the publishing of a manuscript dealing with the law of nature. This was translated and published by W. von Leyden of Durham under the title of Essays on the Law of nature in 1954.

A year earlier, in 1953 Leo Strauss wrote "Natural Rights and History". In this work he argued that Hobbes and Locke were both teaching the same doctrines. Strauss claimed that we need to break the Hobbesian code in Locke's works to overcome the illogicalities of Locke's position. This was later rejected by Raymond Polin in his book "La Politique Morale de John Locke" (1960) and most scholars since 1955 have rejected it (Bluhm 1980:414). Strauss' more radical proposal was that Locke cannot have recognised the law of nature in the proper use of the term. This theme was continued some seven years later, in Richard Cox's book "Locke on war and peace". Strauss also states that the language of traditional natural law must be cleared to reveal an individualistic theory of natural rights. Here Strauss agrees with the Marxist interpretation of Locke by Professor C.B. Macpherson. (Parry 1978:12).

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Locke had argued that God had given all the fruits of the earth to all humankind and there was originally no private property. Locke's individualistic theory claimed that right to property came from man's labour. From this stems the labour theory of value. Certainly it is quite understandable that Harold Laski and C.B. Macpherson interpret Locke in a socialist mold. Locke has, more than any other theorist, had Marxist assumptions read into his work. This is because his Theopolity has all the bourgeois freedoms such as consent, rights, moral supremacy of the individual, for example (Koerner 1985:59). C.B. Macpherson, a Canadian Political Scientist, has published a number of influential books including "The political theory of Possessive Individualism : Hobbes to Locke" written in 1962 which Dunn called "racy and trenchant ... (and) ... the most noteworthy attempt to explain the individualistic character of Locke's political theory (Dunn 1979:22).

Macpherson maintains that Locke supports a dictatorship of the bourgeoisie. He further postulates that Locke claimed that the propertied and the nonproductive persons differed even to the extent of rationality. While Locke did have a low opinion of the poor and ignorant masses we cannot automatically assume that Locke did not want to extend the franchise to all. Macpherson also believes that Locke restricts his conception of people to Bourgeois capitalists who of course would preserve those rights which are a necessity to maintaining their economic system. In other words it was only certain classes of people who had inalienable rights. (Spitz 1984:115) Macpherson claims that Locke justifies even unlimited appropriation. Macpherson's interpretation of Locke has been put under the microscope by a number of critics such as Berlin in "Hobbes, Locke and Professor Macpherson", Viner in "Possessive Individualisms as original sin", Ryan in "Locke and the Dictatorship of the Bourgeoisie", Tully and others.

Richard Aaron points out that it was up to Dr. Seliger, a political professor from the Hebrew University of Jerusalem, to differ with Macpherson. In his book "The liberal politics of John Locke" (1968), Seliger outlines his dissatisfaction with Macpherson's argument on the basis that he (Macpherson) neglects many of John Locke's assumptions in his argument. Aaron, himself, disagrees with Macpherson's contention

that Locke is the father of bourgeois capitalist philosophy and Locke's main aim was to justify a capitalist's unlimited appropriation of property. He also rejects the claim that Locke tried to show that the capitalist property owner is rational and moral in his behaviour. (Aaron 1971:362). Dr. Seliger continued to show that Locke considered mankind to know what an ideal society should be like but the true face of society is shown not by mankind's acceptance of government but also by the possible rejection of government and dissolution of society itself.

Seliger also maintains that Locke did not believe in a universal franchise, although he believed in universal dissent. In my opinion, Aaron has overlooked an earlier critic, Jacob Viner of Princeton, who was much harsher in his views which were published in 1963. Viner wrote in a review article and in a follow up counter rejoinder that Macpherson ignored Locke's use of the word property which he used in a wide sense to cover life, liberty and estate and that the right to property always carried with it an obligation to help those in need. In the words of David Miller from Nuffield College in Oxford "Locke's outlook, therefore, rather than conforming in its entirety to the model of possessive individualism, displays some traditionalist features and other - his concern for the rights of mankind in general - that appear to foreshadow modern liberalism" (Miller 1982:124). Sir Isaiah Berlin was possibly the most harsh critic of Macpherson when he stated "He (Macpherson) accuses Locke of reading back characteristics of civilised society into natural society; but perhaps it is Professor Macpherson who is reading back nineteenth -century conflicts into the seventeenth century" (Berlin 1964:468).

The American philosopher, John Rawls (1921) wrote his famous "Theory of Justice" in 1971 in which he attempted to settle the differences between political obligation and the redistribution conception of social justice. Rawls is a perfect example of a philosopher building on Locke's theories. Rawls himself declares that his theory of justice is an attempt to carry to a higher level of abstraction the theory of a social contract as found in Locke, for example. Although Rawls resurrects the social contract of Hobbes, Locke and Rousseau, he differs from Locke on



the question of the actual foundation of the Social Contract. While Locke gives it as a matter of fact, Rawls states that it is hypothetical. To determine the justice of a situation, Rawls claims, it must be asked what the outcome would be if the contract was made under certain conditions. He also agrees with Locke that mankind was originally in a state of equality. Rawls then continued to postulate that mankind would construct a society based on the first principal of equality in basic rights and duties and the second principal of social and economic inequality.

Although Rawls is a key figure on the twentieth century philosophers stage, it has been stated that Robert Nozick (1938-) represents the twentieth century equivalent of John Locke, although his objective, unlike Locke, was to refute the dominant notions of distributive justice and replace it with thoughts of his own. (Paul 1982:5). While some see his book as a restatement of Locke's theories of state, justice, and private property (Scruton 1982:329), Nozick does not present a pure Lockean conception. His theories have obviously been influenced by writers since Locke. For instance while Locke puts a limit on the resources that a person can extract from nature, Nozick sees this in terms of an admonition against taking from nature that which degrades the circumstances of those to below an acceptable level because they are stripped of resources which they could previously use.

That Nozick is an admirer of Locke is evident throughout his writings. He supports much of Locke's basic philosophy. He agrees with Locke that people in the state of nature behave morally most of the time. However, where Locke's critics have pointed out obvious flaws, Nozick appears to either ignore them or attempts to defend them. One such example is the state-of-nature theory. "There is a simple and obvious complaint against Locke that men never were in any such state of nature and that, even if they had been, no state ever did in fact arise by the process he describes (namely contract). Whether this sinks Locke, Nozick apparently avoids because, he argues, his hypothetical history of the transition from the state of nature to civil society need not be describing the real origins of existing institutions or the process that produced them ... It seems that Nozick thinks that if we can show how a given set of



institutions could, in theory, arise legitimately, then this gives us a reason for preferring them to, or valuing them more highly than, those which could only arise via illegitimate processes" (Brown 1986:97).

In Nozick seems to find Locke's state-of-nature useful sees this theory as a possible hypothesis. Nevertheless Nozick considers it is unlikely that a social contract ever happened. Nozick's state of nature thus has a different ontological status from Locke's which held that it was a condition that existed and to which mankind can return. While Nozick disagrees with the state of nature, his view of mankind also differs from Locke. In Locke mankind is a possession of God. Not so for Nozick.

There are those instances where Nozick simply contradicts Locke. Nozick talks of positive rights while Nozick denies these positive rights. Nozick is also silent on the question of limited government and the separation of powers which Locke considered essential to legitimate government. On the contrary Nozick claims that for a state to go beyond protection is illegitimate. So while Locke talks of limited government, Nozick talks of minimal government which is the least powerful political arrangement compatible with the protection of rights. Nozick concludes that any political order can only be justified if it is shown to uphold individual rights. This conclusion is close to Locke who in effect said that a government is legitimate only while it does not impinge upon the natural rights of the citizens.

Not everyone agrees with Nozick's reliance on Lockean theories. For instance David Lyons argues that Nozick's treatise is lacking because of his adoption of Locke's stipulation of constraint on an unlimited extraction from nature. (Paul 1982:21). Nozick's rights are grounded, as are Locke's, in the idea of free action. Possibly the biggest difference between Nozick and Locke in terms of this thesis is that Nozick ignores scripture references while Locke's whole philosophy hinges on them.

Ronald Dworkin, one of the most prominent legal philosophers published his influential book "Taking Rights Seriously" in 1977. In his emphases on the valid claim of rights, Dworkin stands with Nozick and Rawls. He

claims that everyone has the equal right to concern and respect. In Dworkin's view the property right must give way to social welfare required by this equal right to concern and respect. But like so many egalitarians he ends up favouring equality of condition rather than the equality of rights affirmed in the Declaration of Independence. (Lucash xx:162). His views on rights and the state are quite contrary to those of Locke. While Locke saw rights as something that we automatically have from God and build the state to protect these rights, Dworkin suggests that the state is something we automatically inherit and we must then develop a theory of moral rights against the state.

John Dunn, a Cambridge historian, identifies a strong traditional influence in Locke's works. He published his "Political thoughts of John Locke" in 1969 which clearly shows that in his younger days Locke was conscious of his religious beliefs and the resulting belief in an eternal order which gave rise to values and morality. Dunn felt that many of the apparent contradictions in Locke could be explained by the fact that men often neglected to see Locke's underlying assumptions. Here we see a return to Seliger's contention. Possibly Dunn's greatest contribution was to emphasis Locke's religious convictions and their relationship to Locke's political philosophy. Dunn points out that Locke had a dogmatist Calvinistic upbringing although he chose Anglicanism mainly due to his dislike for authoritarianism. When in exile in Holland in a Calvinist society he joined with reformed Calvinists. In Dunn's mind there is no doubt that the protestant tradition from Luther onwards deeply influenced Locke. In a nutshell Dunn concluded that the Calvinistic doctrine which marked the teaching in Locke's early years tended to guide his thought and action throughout his life. (Aaron 1971:360)

According to Germino, Locke is not without his faults. One such problem is his reluctance to define the term majority. Along with interpreters of Locke such as Alopheus T Mason and Willowmore Kendall he sees the danger of majority tyranny inherent in Locke's political principles (Germino 1972:187). Although according to Strauss, Locke seems to consider the majority a less threat than a monarch or oligarchic ruler. Locke considered the power of the majority as a check on bad

government.(Strauss 1955:233/4). It brings to mind the words of Lord Acton who said "Power tends to corrupt and absolute power corrupts absolutely". While this can be directed at absolutism it can also be directed at the people who in Locke's theory have, in the end, absolute power.

Germino continues to point out that Locke tells us that Government rests on consent but fails to show how consent can be manipulated. Eric Voeglin in his book *New Science of Politics* published in 1952, talks of Locke's swindle of consent, meaning that the principle of consent could be just another word for coercion.(ibid :144) Another aspect of consent which is taken up by Plamenatz in his book "Concern, Freedom and Political Obligation", is that consent is the sole basis of the duty of the governed to obey their ruler or else ... there exists in every state, however democratic, a large number of persons under no obligation to obey its laws" (Pateman 1979:81), although this is refuted by saying that all citizens do or can be said to, consent.

Willowmore Kendall in his writings in 1941, agrees with Locke's faith in the moral capacity of the people and believed that they will always do that which is right. While this may be acceptable to Kendall it is a major problem to Germino who sees a problem when Locke assumes that the majority's judgement will be uncorrupted. Nevertheless, Kendall claims that Locke is not really a propagator of limited government but because Locke failed to limit specific powers of society he is in fact a propagator of majority-rule democracy. Taken to its logical conclusion, Kendall claims that Locke will always override the rights of the individual in favour of the common good. Locke therefore does not have the individual as the centre of his defence but in fact has many collectivism elements in his philosophy. In the second essay in G.W. Gough's book "John Locke's political philosophy" written in 1972, Gough agrees with Kendall but suggests that Kendall overemphasizes the collectivist aspects and is wrong to present the general decision as the core of Locke's theory.

And so the debate continues.

## 6. CONCLUSION

In concluding whether Locke successfully dealt with the problem of reconciling religion and rights, it will be helpful to recapitulate the account of Locke's theory for which I have been arguing. It is worth summarising the relevance today of Locke's political theory in a post-industrial society as Marxist and other theorists contend that Locke's theory is insufficient to guarantee justice for all.

Locke was a bold and innovative writer who explored the relationship between his religious belief in God and the rights of the individual. I have shown that Locke drew on three sources to create a Christian Political Theory which I have called Theopolity. I have used Theopolity as a conceptual model on which to map out Locke's political doctrine that ensures that mankind is able to enjoy the rights which God endowed him with. Theopolity gives normative principles for the organization of society. It preserves individual rights which are held collectively by society and addresses the balance between freedom and equality in society.

To understand Locke's Political Theory it is necessary to have a grasp of the three sources, namely epistemology, theology and liberal politics.

Epistemology, being the study of knowledge and the justification of belief, is the first source of Theopolity. Locke's epistemology was built on the concepts of reasoning and experience. While his doctrines had a disturbing effect upon the traditional moral and religious beliefs of his day, today Locke's concept of tabula rasa, is widely rejected as there is no doubt that an infant's mind is not a blank slate. If it were a blank slate at birth, then a relativity in morals will result. If we rely entirely on our experience to know what is right or wrong then there can be no yardstick for mankind to live by in the state of nature.

D.A. Rustow asserts that thinkers from Locke to Tocqueville and A.D. Lindsay have shown that mankind has an innate capacity for self government as found in the Christian ethical tradition (Lewis 1978:52). Theology forms the second source of Theopolity. The interaction between God and mankind gives rise to theology. Locke's trust was in God who worked out the purpose of mankind whom he created. Locke used the arguments of experience and concluded that God exists. Our awareness of ourselves is a simple but sure element in experience and from this Locke deduces that there is a God. The New Testament is proven by the way Old Testament prophecies were realised by Christ and his miracles which were his credentials. If we accept the truth of his miracles, we can accept the truth of his teaching about God. Locke concluded that Christianity was basically reasonable and scripture confirmed not contradicted reason.

He believed that because of Adam's sin physical death not spiritual death resulted. While I disagreed with this conclusion, what is more important is his rejection of Original Sin. Locke's theory of being born with a clean slate (tabula rasa) means that mankind, at birth, has no concept of God and no conscience. I had a problem reconciling Locke's concept of tabula rasa with the Biblical concept of original sin. I disagree that the natural law is not stamped on each person's mind. I believe that mankind is born with the law of God, ie. the law of nature, written on their heart. This innate knowledge is, however, molded or suppressed by the environment in which the person is raised. To support my argument I quoted from Romans Chapter 2 verses 14 and 15.

However, I agree with Locke that the law of nature is binding because it's origin is in God. It's purpose is so that we may live in an orderly manner just as the universe follows its pattern of behaviour. Since the fall, mankind has inherited the bias of sin yet it is God's desire that we should live in accordance with God's law. God can desire this because he is all-wise and has created everything in the universe.

Locke held liberal political views because of his Anglican Christian beliefs. The third source of Theopolity is the political theory of liberalism. Locke was the first philosopher to consolidate the main

concepts of liberalism with its basis of morality and individualism. He made a major contribution to the acceptance of the doctrines of constitutional government, religious toleration, representative institutions and the freedom of the individual. It was the ideas of John Locke that gave rise to the doctrine of classical liberalism, a doctrine that has been revived by the New Right in Britain and the United States of America in the 1980's.

The starting point of John Locke's Theopolity is a state of nature which was instituted by the creator. Mankind is naturally in this state of nature which is civil society minus government. Locke's standpoint on the condition of mankind in the state of nature had a humanistic thread. It was a contradiction of Hobbes' claim that antagonism was the supreme force between people although it should not be assumed that Locke considered people to be inherently good. Locke considered mankind to have a bias toward self love.

Here I returned to my problem with Locke's rejection of the concept of original sin. Despite his rejection of the fall of mankind as a reason for punishment, he admits mankind has an inherent bias to follow their own desires irrespective of the consequence to others. Locke then accepts that people are capable of setting rules upon themselves which means that mankind is able to govern himself in the state of nature.

Locke does not conceive the Social Contract as a contract between ruler and ruled but rather he sees it as a contract with individuals giving either express or tacit consent to becoming a member of a political community. A political community comes into existence when every person has given up their power in the State of Nature for protection of self and property. Because it is humankind's desire to change from a State of nature to Civil Society this change takes place by consent. The individual does so because in the State of Nature their liberty is seldom assured. They take the liberty of the individual and place it in the care of the majority. Once civil society has been established its first act is to form a legislative power, but to prevent it from becoming a



menace it is separated from the executive. Locke detailed the limitations on legislative power and claimed that Government is placed in a position of trust leaving the people as both trustee and beneficiary. The concept of trustee is to be within the parameter set by the law of God and nature on which the contract stands.

Community always has supreme power. The community is the public will of society which members obey. But the power of collective right of law enforcement is not regained by the political society while civil government acts within the trust placed in it. Similarly this power cannot revert to the individual while there is a political society.

The greatest problem is the historical evidence which shows that human beings never lived in a State of Nature. From a practical point of view the original contract simply did not exist. My own theory is that the social contract evolved over a period of time and sooner or later the individuals in the community came to realise that they were subjecting certain liberties for protection. At this stage of realisation the individual decided that he/she would accept the situation they found themselves in thereby tacitly sealing the contract between person and person. This is supported by Locke's view that political authority is as a result of consent of the individual not the drawing up of a communal contract.

The value of the Social Theory is that it offers a means to produce a rational reconciliation between laws and liberty. There are many theories which litter philosophy books but few are without anomalies or fault. Generally, Locke's doctrine is weak. Yet his concept of trusteeship is a logical explanation of political obligation. Even if there was no contract men seem to behave as though there was one.

Locke's theory clearly supports the view that government by consent is the basis for legitimate government and is a constitutional type of government. While some writers claim that Locke's failure to give a clear account of what constitutes express consent and others claim that Locke is not clear on how express consent is registered, it has been



claimed that express consent is verbal declaration of mankind's consent to make himself subject to the laws of the government. This express consent is not dependent on the individual being a landowner.

Locke premises his account of political obligation with the principle that mankind needs only to obey a government whose authority the individual has given personal consent and ignores any difference between strict individual consent and the vague consent of the majority. Locke's treatment of majority is a weak link in his Second Treatise. He claims that in consenting to become a member of society the individual automatically is bound by the majority. There is the danger of majoritarian tyranny inherent in Locke's theory as there is no protection for minority rights.

The law of nature applies to everyone and it is up to the people to ensure that this law is preserved. Power is entrusted to a government by the people to enable the government to protect their property. A government is not free to do as it pleases. When it abuses its trust the people are entitled to take action. The individual needs to be protected against interference in their liberty and property by the government. If it is broken then the people have the right to rebel. If a government acts tyrannically it is the government which is guilty of rebellion and not it's subjects who resist him. Locke believed that there is no justification needed for the revolution.

Natural law in the state of nature leads to natural rights in the state of nature. Locke put forward a theoretical design of the idea of human rights. He identified the basic rights of mankind in the State of Nature as being the right to life, liberty and property. Natural rights are granted by God so that mankind can fulfil God's requirements. Mankind is estranged from God yet God allows us to have rights.

It is very clear that there is a special relationship between God and mankind. But this relationship is based on the fact that mankind is dependent on God for life and for continued existence. Arising from relationship we find mankind's right to preserve life. Preserving the life of the individual, is in fact preserving mankind and society.

A right arises from an act. God's right in mankind arises from God's act of creation. A person has two rights arising from acts. The first is merely by existing and the second is labour or actions. While mankind did not create the world, the individual does create the actions of his/her body and therefore has the maker's right over them. So while God has proprietary over the individual's body and limbs, the individual has proprietary over the use of body and limbs. Whatever mankind creates or makes, it becomes the individual's property just as mankind became God's property. Locke stresses that nobody has the right over their own life and therefore the right to life cannot alienated from the individual to the state.

Some writers claim that the right to life stems from the right to total human fulfillment, physical and emotional needs, health, personal dignity, freedom to live their lives to the full and to contribute towards the development of society. Locke on the other hand sees that natural rights are the incorporation of the circumstances required to protect and preserve our lives under natural laws given by God.

The second of Locke's rights is that of freedom. Mankind is naturally free. This freedom originated at creation. The perfect freedom that mankind is born into cannot be taken away without the individual's consent. Mankind is subject to an earthly power only by their own consent. Freedom is also the power to organise the individual's thoughts and movements in whatever manner the individual prefers. But not only is freedom a decision of the mind but it is being able to choose and once that choice has been made it must be put into action. Locke also believed that there could be no freedom without reason. The ability to reason is required if a rational choice is to take place. The exercising of this choice, however, must not interfere with the right of liberty of another. Therefore in society, mankind is obliged to forfeit some of their freedom for the good of society. It is the laws of society that limit freedom.

Property is the third of Locke's rights. Labour constitutes the primary title to private property. Locke identifies three limitations on the appropriation of goods and land. The first of these limitations is that mankind must mix their labour with whatever they appropriate. The second limitation on appropriation is set by one's needs. This means that an individual cannot amass property to the detriment of others. The third limitation is the fact that nothing must be allowed to spoil or be destroyed, although Locke does qualify this by allowing appropriation of more goods than can be used provided the excess is used to exchange for other property which can be used.

Unlike natural rights which were given to mankind by God, human rights are those rights which are derived from law and are an extension to the basic rights. In fact civil laws are made with the sole purpose of expanding mankind's basic freedom. Free development of the individual implies rights to the resources which allow the individual to develop. There has been a trend to raise the importance of rights as legitimate claims on the government. I divided these rights into three categories. Firstly the Social Rights of economy, education, living wages. etc. The second category is Civil Rights encompassing freedom of association, movement, expression, etc. and finally Political Rights with the right to vote and the right to be able to stand for election.

The elaboration of rights often stems from those who feel they have been denied certain "rights" which they are entitled to. Often these include minorities such as homosexuals. It follows that some so-called rights are not really rights at all but rights which pertain particular arrangements within a society. Examples I gave were paid holidays, participation in the scientific affairs of ones community, etc.

Coming back to Locke's prime source document, it is not possible to hunt through the scriptures to find sections which endorse certain rights. Nevertheless Locke found that rights are an undeniable implication of Biblical teaching as a whole. Similarly we need to take Locke's teachings as a whole to see what rights his writings support other than the three basic rights of Life, freedom and property.

Religious tolerance was the forerunner of a wider application of Freedom. Locke believed in tolerance, firstly because no one is able to accept responsibility for the beliefs of another and government has no right to interfere with the church. Secondly Locke claims that the state has no objective religious yardstick and cannot judge. This does not mean that there is no right or wrong but it means that there is no one on earth that can judge. Thirdly Locke believed that the self appointed guardians of orthodoxy tend to be more interested in power than truth and the saving of souls. Fourthly Locke points out that the state has no further jurisdiction than protecting the individual and their possessions. Fifthly, whenever there are religious differences and the state attempts to bring about unity, it results in unrest and war.

Locke considers all people to be equal. It is in this equality of right and duty that humans confront each other as creatures of God in the State of Nature. Yet despite his affirmation to equality, Locke quite happily accepted the inequalities of his day with slavery as the most glaring example.

Freedom of Speech is a true Lockean concept which, like so many other twentieth century rights, did not receive actual attention from Locke. Another example is Locke's clear but unwritten belief in a freedom of economic pursuit and a freedom in the use of money. We can continue with examples such as political freedom which means the power to take part in the political process. Yet Locke does maintain that anything which threatens the stability of the state cannot have unlimited freedom. Therefore the individual has a right to political freedom provided they do not threaten society.

It is accepted that John Locke is one of the greatest names in English Philosophy even though his thoughts are less original than other writers such as Hobbes. Yet his influence has been as great as that of Hobbes, if not greater. If we look at Rousseau's Social Contract we can see that he had read Locke as well as Hobbes although it was Locke's theories that were taken to their limits. The writings of Rousseau led to the first

grand failure of revolutionary idealism with terrible results in its brief triumph. Nevertheless Rousseau's theories and the sovereignty of the people have influenced all the major nations of the world. Even the German Philosopher, Immanuel Kant (1724-1804) in 1796 declared that Government by the general will would be the doctrine of the future. The basis of all this can be traced back to Locke.

The centrality of Human Rights in politics has, since Locke, continued to play a key role in the political history of countries.

The holocaust of the second World War led to the formation of the United Nations. The United Nations Declaration of Human Rights in 1948 was somewhat generous in its inclusions in its large bundle of rights. Over the past few decades there has been a shift from liberalism to socialism both within the democratic framework as well as without. While liberalism as a whole has declined, Locke's Theopolity with its cornerstone of Rights has gradually, since 1945, been in the ascendant.

The New Right has modified the principles of 20th Century Liberalism in two ways which I believe brings it closer to Locke's Theopolity with its emphasis on freedom and individualism. Firstly it has taken equal opportunity to become relative equal opportunity. Locke accepted that inequalities appear so humankind carried out their individual lives. Secondly the New Right claims that an individuals right to the protection of their property results in responsibility to their neighbour, this does not mean that the individual is responsible for their neighbour's well being.

It is on these grounds that I maintain that John Locke is as relevant for today as he ever was and that the movement in the area of individual rights throughout the world and the emergence of the New Right in Britain, is a vindication of the practical nature of Locke's Theopolity.

As we have seen Locke was not merely a political pamphleteer, but a man with many facets, not least a political philosopher. His political philosophy was the fruit of his many years of wide reading and

reflection, and the material out of which his system was built can be paralleled in the writings of numerous predecessors and contemporaries. He expressed himself in a clear, unpretentious manner which was friendly, a little doctrinaire and even careless and meandering. It was this readable style which resulted in his success and his influence on political thought. He holds a great reputation as a person who helped free the human mind with the Scottish Philosopher, David Hume (1711-1776) claiming that he steered science in a new direction, Bertrand Russell describing him as the founder of empiricism and Trevor-Roper calling him the greatest of all liberal philosophers (Arblaster 1984:137).  
Descriptions with which I agree

Despite my fundamental difference with Locke's epistemology of tabula rasa and the resultant rejection of the doctrine of original sin, and despite the logical fiction of the state of nature, I conclude that his Theopolity is the only political doctrine that can be adopted by rational people who share a strong sense of justice and morality in a Democratic Christian Society. Locke's view on the creation of mankind gives rise to the cornerstone of his Theopolity namely, natural and human rights which, when violated by Government, legitimately gives rise to revolution.

The emphasis running through this thesis has been Religion and Rights. I have shown that Locke attempted to reconcile God with Rights and was successful in his endeavour. Locke's pursuit of truth led to his basic, common-sense politics which was the embodiment of the true state of mankind in a society where the individual's God-given rights are respected. His Christian faith and his reliance on the Bible were the ultimate sources of his philosophy.



## APPENDICES

### 1. THE LIFE AND TIMES OF LOCKE

Locke was born at Wrington, Somerset on 29 August 1632. His parents had earlier moved from Somerset to Beluton in Dorsetshire and at the time of his birth his mother was visiting family in Wrington. Locke was born into a divided England. Socially, England was divided between town and country. This was intensified by the economic shift from land to industry and commerce creating a non-conformist middle class as opposed to the Anglican Gentry. Politically it was also divided. Charles the first was on the throne and believed that it was his divine right to rule without consulting the people. The King called and dissolved parliament at will and at one stage ruled alone for eleven years. This was resented by the people who were especially against his taxes. This had led to resistance by Parliament and finally, in 1641, it presented the King with details of their grievances.

All during this time Locke was carefully schooled by his father. But in 1642 when Locke was 10 years old civil war broke out with Oliver Cromwell leading his forces against the Kings forces. For the last 4 years his father was involved with the Parliamentary army against the King. For the next six years from 1646 onwards, he attended Westminster School which he did not enjoy. The school was at the headquarters of the Revolution (Fraser 1890:7). Within three years the war was over and Cromwell ruled. At first Cromwell was an unofficial dictator but later was made Lord Protector.

In 1652, at the age of 21, Locke became an undergraduate in the position of Junior Studentship, at Christ Church, Oxford. This had been the headquarters of King's army until 1646 when they surrendered to Cromwell. He first graduated as a Bachelor of the Arts in 1656 and then



later as a Master of Arts. In 1659 he was elected to a Senior Studentship which was tenable for life and the following year he took up a lectureship in Greek to be followed in 1662 as a lecturer in Rhetoric.

By this time his political thinking was that of a strict right wing monarchist and was clearly influenced by the writings of Hobbes as can be seen from his pamphlet on religious toleration written in 1661. The Royalist traditions was once again becoming dominant at Christ Church and the restoration of the monarchy led to liberalism being discouraged at Oxford. The following year Cromwell died and the time was ripe for Charles the second to ascend the throne. Although Cromwell had done well to oppose the King, he had failed as ruler of England. The people that had welcomed the Puritans as deliverers now felt that the yoke of rigid puritanism was too much.

Locke also held the position of censorship of moral philosophy for three years from 1661 to 1663. By this time Locke's parents and two brothers had died leaving him without family at the age of 31. He briefly left the academic world in 1665 to become secretary to Sir Walter Vane in a mission to the Elector of Brandenburg. In 1666 he began studying medicine but although he studied intensively and gained a bachelors in 1674, he was not awarded his doctorate despite two attempts. During his studies in medicine Locke started reading the writings of Descartes. He did not agree with the Aristotelian tradition at Oxford.

It was during the summer of 1666 that he met Ashley Cooper who was later to become Baron Ashley and in 1672, the first Earl of Shaftesbury. He was the founder of the Whigs in England. Lord Ashley, as he was then known, was an outstanding politician in the court of Charles the Second. At the age of 34 Locke went to live in the Shaftesbury household in Exeter as Ashley's personal physician. During his time with Shaftesbury he became part of the inner circle. Cranston is convinced that his friendship brought about a change in Locke to a liberal (Ashcraft 1980:433). Locke was more than a physician to Ashley. He educated Ashley's 15 year old son and later negotiated the son's marriage. Ashley's grandson was also taught by Locke from age 3 to 12.

Some twelve years later Locke was appointed Secretary of Presentations and one year later in 1673, became Secretary to the Council of Trade and Foreign plantations. After 23 years he was appointed Commissioner of the Council of Trade. When Shaftesbury was dismissed from his position as Chancellor of the Exchequer due to a quarrel with the court in 1675, Locke was forced to resign his positions.

At this stage of Locke's career, consumption had already begun to attack his body with periodic asthma attacks and continued to ail him for the rest of his life. This coupled with losing office, was motivation for Locke to spend the three years up to and including 1678 in France. There is much speculation that at this time Locke wrote A letter from a person of quality to his friend in the country which was publicly burned by the hangman and a committee set up to discover its author. It is at this point that Locke left hastily for France. During this time in France, Shaftesbury was imprisoned for a time in the Tower for his opposition to the King. The King however realised that there was a threat from France and Rome and so turned to the popular party headed by Shaftesbury for help, resulting in Shaftesbury becoming President of the Privy Council in 1679. A few days later Locke returned to England to stay at Shaftesbury's new home in Aldersgate. While in France he managed to retain his studentship with Christ Church, Oxford.

Shaftesbury continued to be heavily involved in intrigue against the King. His attitude to certain bills brought him into conflict with the King and in 1679 he was again dismissed by the King. The infamous Rye House Plot to assassinate the King was uncovered. This led to Shaftesbury being tried and acquitted on the count of treason in 1681. This did not deter Shaftesbury who continued to plot against the King in support of the Duke of Monmouth who was the illegitimate son of Charles II. On Monmouth's arrest in 1682, Shaftesbury fled to Amsterdam and died there a year later in 1683. Locke had in the mean time left London when Shaftesbury was arrested for the first time in 1681 and went to live with James Tyrell in Oakshot where he made preparations to leave the country. He did not return to London until after the revolution.

Finally Locke was forced to flee to Amsterdam in 1682 when Nathaniel Wade named Locke as a financier of Mornmouth's rebellion.

Two years after he went into exile, Locke was expelled from Oxford in abstentia on order from the King. The loss of his academic appointment made him more reliant on the pension that Lord Shaftesbury had left him and income from land left to him by his father. The following year, 1685, King Charles died. During his reign he had successfully broken the power of the Puritans and had started to show tendencies toward Divine Rule. His younger brother, James became King and continued in his brothers ways. In that year the Mornmouth's rebellion finally failed, resulting in 300 executions and 800 banishments.

In 1685 Locke was listed as one of the 84 most dangerous Englishmen in Holland which resulted in James the second unsuccessfully trying to have him extradited. During this time Locke went under the name of Dr. van der Linde (Fraser 1890:76). Later King James pardoned him. Despite this pardon, Locke refused to return to England on the basis that he could not be pardoned for something he did not do. King James, who was a Catholic, had attempted to interfere with the Church and the people feared some sort of Catholic plot. He also attempted to replace Tories and High Churchmen in government with Catholics. Civil war was once again on the horizon but averted by William of Orange ascending the throne by invitation from both Whigs and Tories. William of Orange landed in Britain in November 1688 and allowed King James to flee to France.

Locke did eventually return to London in 1689 in the company of Princess Mary (later Queen Mary). Here he was offered ambassadorship to Fredrick III in Brandenburg but refused because of health reasons. Instead he was made Commissioner of Appeals. In 1696 he became the Commissioner for the new Board of Trade until he retired in 1700.

Although he finally retired from public life in 1700, he had already gone into semi-retirement some ten years before to Essex in the company of Isaac Newton and other close friends. He stayed with his old friends

Lady Masham and Sir Francis Masham, a Member of Parliament at their house, Oates. His health deteriorated. Not only did his asthma continue but he also suffered from swelling of his legs and deafness.

John Locke died at Essex in October 28, 1704 at the age of 72. He had lived through turbulent times and had experienced acceptance and rejection. As Jeffreys states " Locke was a prophet of reasonableness in a world that could hardly have been more unreasonable" (Jeffreys 1967:7).

## 2. THE WRITINGS OF LOCKE

Locke was nearly sixty before his first book was published. Most of his works were published between 1690 and 1693. Although most of his books were drafted long before, his views were unacceptable until much later. This delay in publication seemed to help enhance his works. We find that his writings show a man inordinately interested in life and they are full of character. Yet Hans Aarsleff echoes the words of many students when he claims Locke's writings to be difficult. However, Aarsleff goes on to state that he does not in any way consider Locke to be a confused writer. (Volton 1969:99) Possibly part of the problem was Locke's novel manner of defending old beliefs but in so doing he attempted to dispense with concepts and arguments which rested on tradition but were untested and in error. (Parry 1978:2)

Locke never wrote a book that systematically interrelated psychology, religion, epistemology and politics. While he did write on all these topics, he dealt with them at different times. His writings were not restricted to these themes as he also wrote on education, economics, and biblical criticism.

Locke's concern with philosophical questions dates back to 1650, although his first major work, *Two Tracts on Government*, was written in the years of 1660 to 1661. These two treatises, the former in English and the latter in French, remained unpublished until this century. This work is not to be confused with his later work, *Two treatises of Government*.

Locke's second major work was a set of Latin lectures written during 1661 to 1664 called **Essays on the Laws of Nature**. This work, like his first, remained unpublished until this century.

The starting point in Locke's writings of note is widely considered to be his unfinished and unpublished work called **Essay concerning Toleration**. This particular work showed a marked move toward a liberal approach. The year was 1667.

In 1668 Locke wrote a lengthy manuscript on the futility of Governmental efforts to regulate the rate of interest. In the same year he commenced the draft of the scheme called **Fundamental Constitutions for the Government of Carolina** which was completed on 21 June 1669.

Arising out of discussions with some friends in 1671, Locke commenced writing his famous **Essay concerning Human Understanding** although this was not published until 1690 with further editions in 1694, 1695, 1699 and 1706. This work had a mixed reception, with Trinity College in Dublin recommending the work to students while Oxford rejected the work for students. It was only in 1696 that Cambridge University began to acknowledge it's worth. During the years after 1671 there appears to be little evidence of any writings by Locke, possibly due to his duties in the Shaftesbury household. However at some stage he continued the thoughts of "Essay" in his **Conduct of Understanding** which was only published after his death.

During his stay in France from 1675 to 1679 he translated some of Jansenist Pierre Nicole's essays. The year after his return to London, he worked on a manuscript with his friend, James Tyrrell, defending the principle of toleration.

It appears that at this stage he commenced his highly dangerous (politically-speaking) **Two Treatises of Government**. The first of these two treatise derives a single normative conclusion from the theological axiom that there exists a God who sets rules and directions for individuals throughout their lives (Dunn 1969:11).

It was generally accepted that the second **Treatise of Government** was written merely to justify the 1688 Revolution. But if, as has been suggested by Peter Laslett, Locke commenced it in 1673 and wrote the bulk of the work in Amsterdam with the major revision in 1680, then this view is obviously incorrect. It has also been suggested that he wrote it to destroy the current Anglican theory of politics (Volton 1969:58). However, in a recent article by Richard Ashcraft, he convincingly shows that John Locke and his **Two Treatises** were part of the conspiracy known as the Rye House Plot and which found its final expression in the abortive Monmouth Rebellion in 1685.

After much rewriting this work was finally published in London anonymously in late 1688. It is claimed that over half of what Locke wrote or designed for the second of the **Two Treatises** was lost. At some stage between 1683 and 1689 a middle section of the **Two Treatises**, which in the preface Locke says was as long as the rest put together, was destroyed. The first of the **Two Treatises** breaks off in mid-sentence, Locke not having bothered to complete it when he published the full work (Parry 1978:8). Peter Laslett has also claimed that the Second Treatise was in fact written first.

Locke went to extraordinary lengths to deny authorship of his **Two Treatises of Government**. It was only on his death-bed that he actually acknowledged authorship. Yet it was originally received without much fuss as it merely detailed principles established in 1688. In fact there was no critical replies until 1703.

By the time Locke went into exile in 1683 he had not actually published any work of major importance even though he was 50 years of age.

During his exile in Amsterdam, he wrote a **Travel Journal** but Locke's lack of sense of beauty and history makes the journal dismal reading. Locke also finalised his **Essays concerning Human Understanding** and wrote his **Letter of Toleration**. The latter was published anonymously in Latin in Holland after his return to London. Six months later it was published in English, also anonymously, in London.



In December of 1688 the **Essay Concerning Human Understanding** was published in John Locke's name although a French version had been published anonymously in Holland during February of the same year in Le Clerc's *Bibliothèque Universelle*.

During his final years he wrote among others, **Some Thoughts Concerning Education** in 1693. This work originated out of letters written to a friend, Edward Clarke. He also published two works on coinage in 1691.

It is claimed by S.Alexander and others that it is arguable that Locke's greatest work, published in secret in 1695, was the **Reasonableness of Christianity**. This work was attacked by John Edwards which resulted in Locke replying in two anonymous vindications of his work in 1695 and 1697. A further attack on his work resulted in Locke writing three further works in 1697 defending his original work. Nevertheless the **Reasonableness of Christianity** became the central theme of theology for over a century (Bowley 1977:490).

During the last two years of his life he wrote a commentary on the New Testament and a Discourse on Miracles. The latter was published after his death. According to Jeffreys, these studies show Locke to be the forerunner of modern critical approach to Biblical Study (Jeffreys 1967:24)

In this Thesis my primary source will be **Two Treatises of Government** although **Essays on the Laws of nature** and his **Essay concerning Human Understanding** are also sources of references. It is important for us to remember that the basis of John Locke's political writings seems to be in the first instance a blend between moral and religious principles especially with regard to the state of nature which occupies a central position in Locke's political philosophy. In fact Dunn points out that Locke's politics is really a transposition of his theology (Dunn 1969:100).

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